

Standing for the Client: On the Interactional Becoming of the Defence Attorney*

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Abstract

In this essay, I explore the meaning of the legal profession (the defence attorney). I carry out my investigation of the legal identity in the interactional register. A review of selected ethnographic research on law practice identifies a range of definitions for the legal profession: stylist, controller, aid, solicitor, practitioner, negotiator, mediator, and translator, among others. The umbrella category for all these definitions is intermediary. Taking this category as a point of departure, I suggest that we examine the profession of defence attorney in its becoming. I theorize the becoming of the attorney-client relationship as “standing-for.” I propose that the analogy be accessed empirically through an analysis of a recorded episode from the first attorney-client conference. The analysis discloses how the attorney becomes vis-à-vis the client in a series of interactional moves. By reformulating and reframing ordinary talk, the attorney and the client alter their discursive positions until the attorney assumes his professional identity, that is, becomes to stand for the client in action.

Key words: defence attorney, legal profession, interactional becoming, frame, re-formulation, standing-for

I. Introduction

This essay concerns itself with the following question, *What is the activity that defines the legal profession of the defence attorney?* The impetus for this question is inscribed in the oldest name for the legal profession--advocate. I suggest that we address the etymology of that name, which, in the course of its career, has been successfully replaced by other professional designations, such as lawyer, attorney, and counsel. The word “advocate” comes from the Latin *advocare*, which points to two semantic variants: “calling to aid someone” and “speaking for someone.” When put together, the two connotations generate the following formulation: “defending someone by speaking for someone,” that is, standing for the client. As an activity, standing-for reveals itself in another, far more modern term, representation. Although also used as a noun (in the abstract collective sense of “representation”), representing is employed mostly as a verb thus fixing empirical observations of what the attorney usually does in court: the lawyer represents. But then again, What does it mean *to*

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represent? And, *what* or *who* does the attorney represent exactly? As the mundane usage of the word itself suggests, to represent means to present again. It means to have a presentation first and then give it again. It also means to re-arrange the previously presented matters in such a way as to create something new, even if this new is but a semblance of the old. It is in this sense that I take “representation” to mean *standing-for* someone or something.

Attorney’s *standing-for* gives us but a sense of a professional activity. At the same time, there is a number of professions, where the activity of *standing-for* is an intrinsic element of their everyday recognizable functioning. For example, the Vice-President stands for the President; the body guard for the client; the international athlete for the country that he represents. Therefore, at this point, we can accept standing-for as the attorney-specific activity only provisionally as a research question, *What does it mean for the attorney to stand for the client?* In order to answer this question, further examination is required. In the field of socio-legal studies, various perspectives are available for an investigation of the attorney-at-work. Since the emphasis here is on activity, it appears that we can benefit most from those studies of the attorney-at-work that employed some kind of ethnography. In the recent years, ethnography has become a staple methodology for the socio-legal field; there is quite a number of studies that have participant observation as their main prerequisite.¹ Below I would like to reduce these studies to a sample of legal ethnographies that are interested in a similar question, *What does the attorney do for the client?*

The answers to this question vary widely. In one of the first studies of the legal profession of the defence attorney, O’Gorman (1963) suggested a three-partite typology of the legal practice: general, concentrated, and specialized. On the basis of this typology, he also differentiated between two styles of practicing: a) problem-solving and b) procedural. In the first case, the attorney is someone who is actively constructing and pursuing a case. She is a

¹ For example, see Rosenthal (1974), Carlen (1976), McBarnet (1981), Bogoch and Danet (1984), Maynard (1984), Mann (1985), Griffiths (2002), Levi and Walker (1990), Bogoch (1990), Emmelman (1993), Wheeler (1994), and Wolff and Müller (1997).

counsel, and as a counsel involves the client into the legal process to the fullest extent. The other attorney-type plays a relatively passive part in her relationship with the client. She is defined as an advocate, or someone who prefers to rely on the procedure to take care of business. The type of practice and the type of style co-determine each other: that attorney engages the client most who perceives himself or herself as a generalist. In another, similarly structured study, Rosenthal (1974) set out to investigate two models of the attorney-client communication, traditional and participatory. The first model presents the lawyer as the keeper of professional standards who acts in the interests of the client by giving somewhat disinterested advice. In this model the attorney privileges “public service over personal gain” (p. 8). The second model presupposes wide participation in the process on the part of the client. Here, the lawyer is more of a counsellor, that is, someone who knows the client and his problems and is patient in resolving them. The noble lawyer and the friendly lawyer demand respectively fitting clients: a) passive and b) active. While the traditional model emphasizes full trust; the participatory model makes an emphasis on negotiation.

The view of the attorney as a negotiator begs the question, *What is being negotiated by the attorney and the client?* For one, Hosticka (1979) suggests “the relation between ‘what happened’ and ‘what is happening’” (p. 599). She thus sees the task of the attorney and the profession itself in reconstructing the reality of the situation by substituting one temporal order (past) for another (future). In order to achieve the desired degree of re-temporalization, the attorney must exercise significant control over the interaction. In a more recent study of the negotiating attorney Sarat and Felstiner (1986) focus on “the ways in which lawyers present the legal system and legal process to their clients” (p. 96). The “ways” are understood in terms of a) the roles that lawyers adopt, b) construction of the content of legal work, and c) use of communication patterns through which lawyers carry out these functions. The authors identify the major professional function of the attorney as that of mediating between the folk-order and the professional order. This is to say that the attorney’s work is pragmatic; it is

motivated by a specific task: “limiting clients’ expectations to realistic levels” (p. 127). The initial interview is crucial in this respect as it is used for explaining how the legal system works and how to interpret the actions and decisions of legal officials. In doing so, the attorneys represent the legal process from two perspectives, the formalist and the realist, and the add-mixture of the two. The attorney is thus a counsellor whose primary role is to mediate between the two orders by creating an order at the border.²

It appears that most researchers of the legal profession agree on one point: in order for the attorney-client negotiations to be successful, the attorney must control interaction. Bogoch and Danet (1984) define control on three levels: structural (e.g., interrupting); b) instrumental (e.g., use of imperatives); c) performative (e.g., use of a particular register, intonation). In the course of their analysis Bogoch and Danet identify specific structural features they associate with the attorney’s interactive dominance: interruptions mid-sentence; use of directives; absence of solidarity markers, strategies of undermining, correcting previous statements when there is no need for correction, etc.: “It is the constant challenge to the client’s competence, the questioning the client’s credibility, the coercive form of the questions, the bald form the challenges and the strategic use of interruptions to prevent the client from displaying his own knowledge that give this interaction much of the flavour of a cross-examination” (p. 269). The authors conclude by stating that the nature of the legal profession draws attorneys to employ these features to a greater or lesser degree. Once again, the notion of the profession ends up resting on the in-built interactional unbalance that favours powerful attorneys over their more or less helpless clients.

² In their more recent work on advocates, Sarat and Felstiner (1995) refined their earlier views of the relational dynamics that develops between an attorney and his/her client. By taking C. W. Mills’s theorizing of human motivation for a theoretical foundation, the authors draw the distinction between two kinds of rationalities, the instrumental and pragmatic (they associate it with the work of the attorney) and emotional and irrational (it belongs properly to the client). The corresponding accounting strategies utilized by the attorney draw on the circumstantial and situational terms, while, for the client, they deal with dispositional or character terms.

Maureen Cain (1983) confirms this perspective by elevating the issue of control to the level of ideology. Interestingly, she constructs her case by defining legal profession independently from the professional description. According to Cain, the attorney should be approached as a sociological category taken outside of native perceptions. From this perspective, the attorney's key task would be to "translate the client's issues, reconstitute them in terms of a legal discourse with trans-situational applicability" (p. 111). The umbrella properties of the legal discourse (meta-language) and the attorneys direct involvement in creating it leads Cain to believe that the attorney's function in the cultural milieu is that of "conceptive ideologists".³ In his focus on the attorney's control of the client, Flood (1991) asserts that the key activity of the attorney is managing the uncertainty of reality. Since reality, in the view of lawyers, "is constantly shifting and unstable," control over information presentation and exchange becomes "the essential feature of lawyering" (p. 44).

If we are to consolidate the key themes of the above research, we come to discover that the defence attorney interacts with the client in order to do something with his or her issues, e.g., translate them into the legal discourse. In order to achieve this objective, the attorney must control the interaction with the client. From this perspective, the attorney-client communication develops on the "control" continuum, with the notion of the "advise-giver in charge" serving as the overreaching definition for the profession of the defence attorney that can also be defined as "stylist," or "mediator." Depending on the degree of the control, the attorney may assume the dictatorial role, allowing for the minimum of the client's input, or appear as a negotiator, involving the client to a great extent in the process of case-making. Taking these findings as indicative of the position of the attorney vis-à-vis the client, we can move to investigate *standing-for* in real-time, within the client-attorney interaction, with the emphasis on the becoming of the involved identities. At this point, the focus should shift to

³ In her more recent piece, Cain (1994) elaborates on the meta-language itself, which she defines in terms of the capitalist enterprise: "they [lawyers] invent new forms of relationship and new forms of existence for capital, new practices, new institutions" (p. 39).

the question of how an institutionally instigated interaction brings both roles, that of the client and that of the attorney, in relation to each other as distinctly different, yet co-joined social categories. Hence, a reformulation to the original research question, as in *How does the defence attorney become to stand-for the client?* In order to proceed in this question's direction, we need to approach the legal profession of defence attorney as an institutional identity that is "progressively constituted and hence jointly and collaboratively realized by the participants on the occasion of their talk" (Drew and Heritage, 1992, p. 21). We thus need to shed off the traditional categories of "the attorney" (professional) and "the client" (non-professional) and approach them simply as two interacting figures paired up for a joint enterprise.

In one of his earlier works, the founder of conversation analysis, Harvey Sacks, suggests that a client who comes to seek the help of an attorney comes as "a person in trouble" (1992, p. 72). From that standpoint, the category he imputes to the attorney is "a person who is going to help me with this trouble." Sacks calls the two categories "the standardized relational pair of categories" and offers a rule for their linkage: "opposition or complementarity" (p. 72). The thorny question for us would be how to empirically access an opposite-complementary relationship in formation: *How shall we analyze the emergence of a relational pair that consists of two complimentary figure parts?* With the emphasis on becoming, the question acquires an additional layer of complexity: the positioning of pairing needs a conceptual extension that could sustain the demands of empirical accessibility. For this extension, I propose "frame." Common for interactional studies, the concept of frame responds well to both the theoretical setting for the legal profession and its empirical location. Below I give a short description of interactional framing as a method.

II. Interactional Framing of Institutional Identities

In its original definition, given by Gregory Bateson, frame is a psychological construct that "delimits a class or set of meaningful messages or actions (2000, p. 186). In other words,

frames are cognitive schemes that allow people to exchange information and create meaning together. Pointing to the mentalistic overtones of Bateson's definition, Ervin Goffman opted to redefine frames in terms of the question that an ordinary person might ask when trying to understand the meaning of the activity in which he is being involved: "What is going on here?" (1974, p. 24). In this formulation, the concept of "frame" is accessible to the actors who in the course of their acting out a frame act within this frame, thus being able of interpreting their "going on" together. What do these "going ons" include? One of the most obvious "going ons" for Goffman is interactional identity. For the medium that discloses identity readily and immediately Goffman suggested talk. Due to its accessibility and pervasiveness, talk is attached to the realm of the everyday. At the same time, the activity of talk not only differs from any other activity, such as transporting oneself or consuming food, but informs and shapes those activities. The shaping of talk for the context while shaping the context in talk are not arbitrary but expose a complex mechanics constrained by both the local setting and the task at hand. Hence, the immediate advantage of institutional settings that show how identities are constituted within context-specific speech exchange systems. An interaction that emerges within these contexts imposes constraints on the interaction, thus defining interactional roles through those constraints.⁴ For example, in his analysis of answers in the context of the "job interview," Button (1992) showed how the interviewer may prevent the interviewee from deploying a self-repair. The latter is not an idiosyncrasy of someone in the position of power but the interactional requirement of interviewing. Attending to these requirements and monitoring the interviewee's responses to them, the interviewer is able of evaluating the interviewee's performance and, at the same time, constructing her identity as

⁴ The direction of the analysis is similar to what Aronsson (1998) calls "social choreography" (pp. 75-77). The extent of this similarity is not sufficient, however, for me to employ her method here. As much as I appreciate Aronsson's dance metaphor, I find it misleading for the study that places its key emphasis on the naturally-occurring properties of talk. In this respect, I am more in agreement with Schegloff (1992) and Button (1992), who showed that the warrantability of institutional identities reside in participants' orientation to and constitution of them as relevant categories in and for the construction of their activities. Button calls this process "situated categorization procedure that is done in actual talk" (p. 230).

an interviewer. If we take this example as an illustration of interactional framing, we will be confronted by the juxtaposition “the immediately local configuration of preceding activity in which an utterance occurs, and also the ‘larger’ environment of activity within which that configuration is recognized to occur” (Drew and Heritage, 1992, p. 18). In other words, the interviewer’s questions as they are designed for receipt by the answerer will only make sense if they occur within an umbrella activity of a specific speech exchange system.

In turn, thus constrained interaction does not proceed as some homogenous flow but rather develops in a series of heterogenous moves and shifts. The matter that is being moved includes both interactional positions and conversational activities. In a paired interaction both participants must understand what is “going on” in order to perform these shifts and thus achieve the task at hand. For the interviewer, the task at hand is the possibility of assessing the interviewee’s skills; for the attorney, it is the possibility of standing for him, that is, become the attorney in the local and therefore concrete sense of the word. In sum, within a specific interactional format one must differentiate between three types of sequence: a local sequence of the talk at hand, a larger interactional sequence or sub-frame defined by the participants’s footings and thus their current engagements and, lastly, the frame proper that formulates the talk by creating historical steps and defining the futural trajectory. Importantly, shifts of frame do not occur just so, but come as a result of the interactively induced changes in the talk itself. While the boundaries of a particular frame are often difficult to define, the micro properties of texturing talk within a frame does not lend itself as easily for analytical tracing, for its tracks are contingent on semantic, pragmatic, and lexical alterations. In his study of institutional discourse, Drew singled out the key alteration of the kind that may be effective for the frame shift, a formulation, or “a device through which the practice is mobilized by the participants in a given interaction” (2003, p. 296). As an interactional resource, formulation is highly suitable for showing variations across forms of talk, frames within talk, as well as frame shifts. In different settings formulations perform different “interactional functions.”

Synthesizing those functions under the guise of a singular pragmatic task makes formulation a meta-communicative act. As such, it helps merge the ordinary discourse and the extra-ordinary or institutional discourse, performing at the same time the analytical function of context cohesion.⁵ The reason for this suitability lies in the functional make-up of formulation. As a context-free feature, formulation is deployed to a) comment on the conversation and b) bring the participants together in a conduit of a specific task. It is the latter feature of formulation that participates in the constitution of respective institutional identities most directly.

In so doing, formulations comment on the relationship between the participants as these relationships undergo a change of position, or, in Goffman's words, footing. Footing is somewhat similar to Sack's membership category as it defines the participant locally. For the interaction, it is a relational resource that identifies and helps maintain conversational roles to the participants within the selected frame. In other words, footing is a specific position in an interaction that an interactant assumes in order to produce a meaningful joint action. One footing may encompass several interactional roles that a person takes in relation to his/her utterances. According to Goffman (1974), there are three ways that may characterize the speaker: principal, animator, and author.⁶ Most briefly, the principal is the one who expresses his or her opinion. The animator is the one who utters someone else's discourse, and the author is the person who made the discourse, that is, the holder of opinions and beliefs, so to speak. A lot of times, one person embodies all three roles. However, there are contexts in which only two or one such role is enacted. For example, according to Clayman (1992), in the context of news interviews, the interviewer abstains from performing in the "principal" role. Likewise, in his moving toward standing-for, the attorney may assume various footings that would define him at each stage of the interaction and, ultimately, as an institutional identity.

⁵ Martin provides a useful definition of cohesion that is "a set of resources for constructing relations in discourse which transcend grammatical structure" (2001, p. 35).

⁶ There is a curious association between the figure of interaction and figure in interaction. Unfortunately, I can only note but not examine this association any further.

In addition to frame and footing, there are various linguistic and communication concepts that serve as contextualization clues (Levinson, 1983). Most important for the analysis, however, is the fact, that, from the interactional perspective, the change of frames is never clearly marked; nor is it abrupt; more often, reframing involves “continuous and subtle texturing of talk” (Coupland et al., 1994). In sum, by attending to what is “going on” between the attorney and his client at various points in the interaction, one may catch a glimpse of how the legal profession of the attorney “becomes” locally in the context of an attorney-client initial interview. I preview the analysis with a short description of context.

III. Analysis: “Went in the Ditch”

The episode I have chosen for my analysis comes from the data collected during the second phase of ethnographic fieldwork in a small private practice in a state capital of one of the North American States.⁷ The case involves the crime of DWUI, or “driving while under the influence.” For the defendant this is the second DWUI. In the previous DWUI, the defendant used the same attorney who plea-bargained the case to an advantageous resolution. The second violation occurred only six months after the first one. According to the State’s legal regime, the repeat violation counts as felony. If convicted, the criminal faces a much harsher sentence on all three counts, economically by a steep fine, physically by a term of imprisonment, and administratively by having his/her driver’s license revoked for a year. Importantly, the crime was being adjudicated in the tribal court located on the Indian Territory. The tribal court is a semi-independent institution that enjoys autonomy from the State but falls under the Federal supervision.

I selected this particular episode for various reasons. The thirty-minute recording features the first meeting between the attorney and the client. This is perhaps the most important feature of the interaction as it is during the first official face-to-face encounter that

⁷ Investigation of a single case should not be taken for a shortcoming. According to Manning (1970), a detailed examination of a “single setting, or culture, or type of organization” provides sufficient evidence about it because its patterns are likely to occur in many similar settings” (p. 243).

the attorney's becoming is disclosed in the formal sense of the word. The meeting was arranged after a three-minute telephone call placed by the client. During the telephone call, the client gave the attorney the crux of the matter and agreed to an appointment. I found out about the appointment from the attorney and was invited to participate. The meeting was set in two days from the time of the first interaction. It took place in the firm. In addition to the defendant, Robert, and his attorney, Jack, also present are Robert's mother and myself. The interview was recorded in full. I present it in the transcribed version. In addition to the recording, I utilize those texts that were produced during the interview and that inform the interactional event. Given the length of the interview, I limit my data to only four segments. In the transcripts of the following segments, the client is designated by the first letter of his first name (R), while the attorney figures as attorney (A).

A. Frame I: Soliciting Trouble

I begin my analysis with the segment that directly follows the opening sequence which features a round of introductions and an anecdote told by the attorney about the client helping him when the former locked himself out of his car. In the interest of space, I omit this essentially "small-talk" segment. I would only like to mention that the functions of small talk in that segment are similar to those that have been observed in a variety of institutional contexts, such as medical, or social service: a) to provide an interface "on-task"—"off-task", and b) to perform a relational function. In its "clearing-for-the-other" function, the small talk invites the participants to take time in orienting themselves to what is coming; in its relational function, it introduces a certain interpersonal register that reflects the scope, depth, and particularities of the relationship (Thornborrow, 2003; Holmes, 2000). It also allows the two identities to pre-align, that is, orient themselves to the task at hand. Suffice it to say that for the occasion the attorney's storytelling served an explicitly affiliative function. I can also assume that some items in this talk were directed explicitly at myself as they gave the outsider

a historical perspective on the relationship between Robert and Jack.⁸ It is easy to identify beginning of the next segment as it is clearly marked by the change of state token, “Okay, awright” (line 16).

SEGMENT II

[...]
 16 A: =Okay awright (0.4) okay what HA:ppened?
 17 (2.0)
 18 R: Went in the ditch.
 19 A: Went in the ditch?=
 20 R: =yeah
 21 (0.3)
 22 A: °uh-okay (.) and the same goddamned cop came and
 23 arrested you righ=
 24 R: =yeah
 25 (0.4)
 26 A: Oh boy (1.2) was he very bad? Was he a jerk to ya?
 27 R: °I don't know°.
 28 A: =Ku oh really? When did this HA:ppen?
 29 (1.5)
 30 R: Uhm (.) Friday night?
 31 M: =Yeah Friday night.
 32 A: =Friday night? Okay (.) so that be Friday the
 33 eighteenth huh was it before or after midnight?
 34 R: After midnight
 35 A: =Kay-so it was the nineteenth then (0.5) hu arrested
 36 (0.4) by (.) officer what's his name?
 37 (.)
 38 M: Mason Flying Buck?
 39 (.)
 40 A: Mason Flying Buck.
 41 (5.1)
 [...]

The token “Okay, awright” is a “frontier” unit that signals separation of the previous talk and clears room for what follows (Heritage, 1984). What follows is designated by the “what HA:ppened?” question. The question belongs to the category of topic indexicals, or framing moves (Sinclair and Coulthard, 1975). Most generally, indexicals orient the participants to the work they will have to accomplish in order to reach business at hand. In this case, the WH question marks the transition to the matters of business; it also serves as the first indication of the emerging identities: by initiating the shift, the attorney becomes the solicitor of the

⁸ In fact, R was the returning client; not even four months earlier he hired Jack to help him with his first DWUI.

“what,” while the client stands as the provider of the “what.”⁹ As the participants continue to maintain the question-answer format for a certain duration of time, we, together with the participants, come to understand this exchange as that of interview. In the course of the interview, the participants will orient themselves to the interview frame by maintaining its systematics. This means that the participants will monitor each other’s turns for the indications that the frame is still in place and that the reasons for it lie in the task at hand. In order to maintain the interview frame the participants adhere to frame-specific constraints (Heritage and Greatbatch, 1991).

Within a wide range of interviews, attorney-client interview exhibits greater similarities with the doctor-patient interview, rather than with job or news interviews (Clayman and Heritage, 2002; Button, 1992). For both professions, doctors and lawyers, the key objective of communicating with the client deals with creating and delivering diagnosis (Heath, 1992; Heritage and Sefi, 1992; Maynard, 1992). Although during the stage of managing diagnosis, the two professions diverge sharply, at the stage of the initial encounter both doctors and attorneys go through similar activities: they solicit information, contextualize it within the constraints of their respective institutions, and provide first advice (Atkinson, 1995). Both professionals begin with soliciting a “trouble” from the client. In an institutional setting, an invitation to state one’s trouble involves a set elicitation, such as a WH question (Heath, 1981). In both contexts, it is the professional who initiates the shift to business at hand. At the same time, the attorney’s way of requesting trouble talk differs from that of the doctor’s.¹⁰ This difference is important for it shows that in the legal context, diagnosis does not lead to treatment. The structure of the WH question in line 16 is indicative

⁹ This feature prompted Sacks (1997) to state that the sole purpose of the legal system is to prepare people to “produce answers to the ‘why’ questions” (p. 46).

¹⁰ How speakers report troubles is essential for the task at hand (Jefferson, 1980a, 1980b, 1988). Recipients collaboratively negotiate their degree of receptiveness and “whether of when and under what circumstances the trouble will be told, thus providing for the recipient’s participation in the shaping troubles talk” (Jefferson, 1980b, p. 183).

of the legal nature of the attorney's inquiry; as an utterance, it consists of two semantic units: one is designated by impersonal pronoun "what;" the other in terms of the verb "to happen."

Provisionally, we may conclude that "happening" is the first and the strongest priority for the attorney. Happening as a legal trouble differs from happening as a medical trouble in several respects. In the medical setting, the client is encouraged to give self-referencing descriptions (Atkinson, 1995). According to Coupland et al. (1994), the doctor's first-topic elicitors such as *How are you?* and *How are you feeling?* emphasize the direct relationship between the person and the trouble. In contrast, the attorney's formulation points to the event that implicates the person indirectly. The client's response in line 18 is illustrative in that regard: it defines trouble as "went in the ditch". At first sight, the client's response appears to be ambiguous, if not irrelevant. There is neither legal cause nor legal reason in the client's statement, and it says little, if nothing about the charge (after all it is not that the client was found in the ditch by the police officer that matters but that he was behind the wheel of the running vehicle drunk).

From a different perspective, the response performs a variety of essential, for the institution, functions. Note the brevity of client's turn. This is unusual for the ordinary trouble talk that is story-like (Jefferson, 1988). When confronted by "trouble," we prefer to give highly detailed accounts about "what happened." Making response statements economical means not only to display an expectation of further questioning but also an expectation that this questioning will be thematically diverse. Hence, the items that are solicited by the attorney from the client; they know no redundancy: name, place, time, state. Shortening answers for the questioner gives the latter ample room to compile the necessary information in a most efficient manner. The selection process is based on both institutional schema and narrative coherence. In addition, if in an ordinary setting, it is also expected that trouble talk would elicit sympathetic questions. In his questions here, the attorney too imbeds tokens of sympathy (e.g., "goddamn cop": line 22, "oh, boy...": line 26); however, given the

overall task of the questions, displays of sympathetic affiliation come across as nothing but “token” displays.¹¹ The attorney does not design his expressions of sympathy for uptake; he does not provide any upgrades, nor does he offer similar experiences to share; in turn, the client refrains from acknowledging the attorney’s sympathetic remarks, thus rendering them unnecessary for the task at hand.

At a closer look, the attorney’s questions do not seek the defendant’s perspective of the event, for his opinions are not solicited; the questions rather intend to formulate relevance of the defendant’s narrative to the attorney’s work as an advocate and, more importantly, the talk initiated by him. From this perspective, asking questions allows the attorney to minimize the client’s narrative, make his experience fit a specific template. Stripping the client’s story of redundancies and directing its telling toward a prescribed set of *topoi*, the attorney obtains the client’s story in the simplest form. According to Schegloff (1986), the first connection is always the systemic connection; unsurprisingly so, for the client is already in the system, so to speak. Collecting minimal orientations provides legal singularities, or points of contact for the transition from trouble that is told by the client to the problem to be explained by the attorney.¹² From this perspective, in the initial frame the soliciting attorney is a collector of symptoms. In order to retain the gathered items, the attorney writes them down as Notes. Paper creates an immediate record that scrolls down like a list of “to dos.” By requesting these items and receiving them unopposed means that the attorney and the client collaborate in producing the interview frame as a case-text. Later, the Notes would be filed as the first document in the client’s file.

The trouble-problem trajectory is confirmed by the unfolding of the segment. In line 19, Jack repeats the client’s description—“went in the ditch?”--and then writes it down. In

¹¹ Jefferson and Lee (1981) show that whereas in casual talk the offering of emotional reciprocity by recipient to troubles teller may be accepted, when trouble tellers seek advice in service encounters difficulties may arise, especially when personnel attempts to humanize the delivery of advice called “unwarranted affiliation compounded by inept service” (p. 546).

¹² The resources deployed must are designed to legitimize reasons for treating one’s actions as worthy of complaint and pursuit and to portray consequences of such actions as serious and dangerous (Pomerantz, 1984b).

addition to displaying understanding and agreement, the repeat occurs twice over as it also “records” the statement as legally relevant. On the page, outside of the discursive stream, the description shows a different character; it localizes the event in one specific circumstance, the end-result of an action. Due to the contrast between the actor’s intentions (not getting in the ditch) and its outcome (getting in the ditch), we can call this circumstance “out-of-the-ordinary.” Like an emergency room, the law office is the place for out-of-the-ordinary events. The extra-ordinariness of actions warrants the circumstantial purpose of questioning.¹³ Circumstances involve a wide variety of factors, including behaviors of participants: “was he very bad? Was he a jerk to ya?” (line 26). The client’s response in the following line acknowledges this trajectory (line 22: “I don’t know”). Once again, Robert’s response may count as ambiguous but only to an ordinary conversant. Obviously, Robert has an opinion about whether the police officer who arrested him was a jerk or not. He, however, chooses to withhold it.

In turn, in his line (line 28: “Ku oh really?”), the attorney does not problematize the client’s response. Typically, “Really?” serves as a token of interactional affiliation. It is also known as continuer, a device that allocates the next turn to the current speaker (Schegloff, 1984). Indeed, in the next lines the attorney continues to create singularities for the subsequent activity. Along the way, we encounter several instances of self and other-correction (lines 32-33). As in displays of sympathy, requesting a correction is an affiliative device (Jefferson, 2003). By deploying it, the attorney acknowledges the client’s right to the first-hand experience. It also shows approval of the client’s “playing into his hand,” or the direction of the talk. It becomes clear now why there is no additional information requested from the client at this point. “Went in the ditch” and “I don’t know” are acceptable to the attorney not despite but because of their ambiguous nature. By responding to the question

¹³ Pursuit of issues directed toward the other’s alleged wrongdoing is predicated on speaker’s ability to provide relevant and compelling “evidence” of claims made (Atkinson and Drew, 1979, Morris, 1988, Pomerantz, 1984b).

“What happened?” with the statement “Went in the ditch” the client avoids either admitting or denying responsibility that would have been common for the ordinary talker. For the legal talk, either is dispreferred.¹⁴ In sum, Segment I shows how the client and the attorney align to pursue a particular question-answer organization. Both seem to understand what the talk’s frame entails on this particular occasion and what identities should be appropriate for this frame.¹⁵ In the course of the talk in Segment I, a frame emerges: within it the attorney performs the role of the information Solicitor, while the client functions as the information Provider.

B. Frame II: Animating Trouble

The attorney completes the question/answer sequencing in line 101 by re-introducing “false” tokens of agreement: “okay (.) awright uh:m” that, similarly to the previous use, are employed to mark a topic shift. In this case, the shifted matter is not a topic but rather an activity. From the activity of borrowing, the attorney moves to the activity of presenting. The conversational manifestation of this activity is disattending from the current speaker in order to attend to the other speaker. As line 102 shows, the attorney begins to dial the phone number of his counterpart, the prosecuting attorney.¹⁶ While dialing his number, the attorney explains what it is exactly he is doing and who is being involved and for what purpose. He thus gives an account for his disattending as relevant to the business at hand. Once the third party enters the scene, the previous frame gives way to a new one. Essentially, the new actor is not unknown. Not only his name was mentioned before; it was also recorded in the Notes. One may say that the prosecuting attorney’s voice comes from the realm that up until now served as the horizon for the client’s narrative. I present the telephone call in the next segment below.

¹⁴ I understand dispreference in the traditional conversation analytic way, as what is structurally in the way of the “natural” progression of talk.

¹⁵ In the ordinary conversation the speakers may assume common knowledge prior to establishing the shared grounds before proceeding; in the institutional setting, the common knowledge must be established first (Pomerantz, 1984c).

¹⁶ A possible concern for the attorney’s ethics for having the client listen to his conversation with the prosecutor should be dismissed on account that the speakerphone is off; only the attorney’s voice can be heard.

SEGMENT II

[...]
 101 A: Okay (.) awright uh:m
 102 [dialing sounds]
 103 (5.0)
 104 A: I'm calling the prosecutor up and find out what we
 105 can
 106 [ringing tone]
 107 W: Tribal court
 108 A: ↑Darleen? (.) Jack Dorman there (.) is Jerry there?
 109 Jerry ↓Raindrop.
 110 (3.5)
 111 A: °What time is that here? Twen-
 112 (3.5)
 113 A: °one o'clock here°
 114 (3.0)
 115 A: ↑Jerry↓ Jack Dorman(.) how are you today? (1.0) good
 116 good (.) say whatever happened to that kid that uh
 117 failed that uhm uh: urine test what happened to him?
 118 (1.5) that young kid from over at uh Fort Lonesome
 119 that got in trouble (1.2) yeah (5.2) he was locked
 120 up but did you guys uh ship him off or not? (4.7)
 121 okay allright (.) well look uhm Robert Delaney got
 122 a DWI arrest last weekend and uh he's gonna hire me
 123 I'm gonna be his attorney on the matter (.) I was
 124 wondering uh we have arraignment on the twenny
 125 eighth at one o'clock (.) and uh (.) what I'm calling
 126 about right now is uh (.) did you get the reports
 127 yet?
 128 (1.2)
 129 A: Oh you didn't get em? (4.3) okay (3.1) time yesterday
 130 (10.8) okay (2.0) well I'm gonna go ahead and uh
 131 have ah uh Robert sign a power of attorney n file it
 132 with the court and I'm wondering if I can get you to
 133 mail me photocopies or ↑fax↓ em to me even better
 134 (2.1)
 [...]

The difference between the two frames is immediately noticeable. If the first analyzed segment features the event-diagnostic frame that was constituted by the attorney-client dyad, the second segment introduces the frame in which the attorney transports the client's narrative event into an attorney-attorney dyad. This is not to say that the client no longer participates in interaction; he does, but in a different role, that of the audience member. As for the attorney, the second frame does not replace his previous footing with a new one, but creates a new context for it. In his exchange with the prosecutor, the defence attorney is still an information solicitor (line 116: "...say whatever happened to that kid..."). Although the first solicitation of the attorney concerns a different case, its relation to the case at hand comes about both sequentially and pragmatically: by requesting new information about the client in custody, the

attorney seeks an update that helps him introduce new business. One can say that the first case functions as a pre-topic for the actual topic in the name of Robert Delaney. The old case thus creates an opening that provides for immediate relevance with the attorney's announcement in line 121-123 ("Robert Delaney has got a DWUI arrest last week and he is gonna hire me in this matter"). The announcement is previewed by an explicit marker of a topic shift: "well...look" (line 121).

At the same time as the attorney makes this announcement, his footing multiplies: here, he emerges as the animator of the client's trouble talk. The transition from the role of solicitor to that of animator is carried out in several reformulations. First, the deixis of person gives the client (business) in the third person as the full name.¹⁷ Second, the trouble is no longer defined as "getting in the ditch" but in the legal terms as the crime of the DWUI. With these deviating reformulations, the client's narrative undergoes alterations that allow the attorney to reintroduce it as a trouble for the court, a legal matter. So we can say that in the second frame the trouble talk gives way to the case talk (line 123: "on the matter"). In the case talk, animated and reformulated are not only the client's narrative but his actions as well (line 124: "if we have arraignment..."). The use of the collective pronoun "we" is essential for the understanding of the two positions. Structurally, "we" collects the present parties in a relational pair. In this pair, the attorney is positioned as first in relation to the client. In this position the attorney comes to stand for the client as the connecting figure, who can negotiate on behalf of the client (lines 124-125).

In lines 129-133 the attorney also performs an observable shift from the historical to the futural temporality. We can observe the shift by attending to the deixis of time: "at one o'clock," "will represent," etc. Initiating temporalization by one of the interactants institutes a particular temporal typology. Depending on the direction of time—past, present, future—the typology distinguishes among retroactive, active, and pro-active positions (Schegloff, 1987).

¹⁷ In the State Court, cases are filed under the first and the second name. The name is thus an official indicator of the case.

In the above segment, the attorney assigned past actions to the client, while future acts he put upon himself. The purpose of temporalization is to take control over the genesis of narrated events (Ricoeur, 1987). In addition, when moved from one temporal sphere into another, topics undergo pragmatic transformations. On the strength of those, the attorney moves from the position of animator for the client's talk back to the position of the solicitor. Soliciting on someone's behalf arms the attorney with new communication devices, for example, third-person descriptions or requests. This is how, for example, the attorney makes his request for evidence in line 126: "did you get the reports yet?" Here, the attorney solicits a legal version of the client's story, an official narrative. The juxtaposition gives the client's narrative the character of evidence, while the body of evidence provides the grounds for the counter-narrative. In his future work, the defence attorney will have the two narratives analyzed against each other. In sum, the second subframe provides the attorney an opportunity to assume the role of the Animator for the client's trouble. At the same time, in his communication with the Prosecuting Attorney, he clearly performs the role of the Principal. It is in that role that Jack will return to Robert in the frame that follows.

C. Frame III: Formulating Problem

The right of the defence attorney to request evidence establishes him as the legal figure for the Prosecutor's Office and for the listening client. At this point, the attorney's footing shifts again; he is no longer the Solicitor-Animator, but the Solicitor-Animator-Principal. Most importantly, the enacted right to the other's evidence in the legal context coincides with the attorney's right to the client's story and therefore the transfer of the client's narrative into the sphere of the attorney's ownership. In other words, by this point in the interaction, the defence attorney owns the client's narrative. In the next segment, he proves this right by deploying the counseling activity to reformulate his conversation with the other attorney for the client as a course of action.

SEGMENT III

[...]
 260 A: Alright anyway on your deal here (.) what we're gonna
 261 do is when we get the uh arrest reports (.) we're
 262 going to go ahead and look 'em over to see what they
 263 say and uh you go to court on uh Monday at one
 264 o'clock plead not guilty uh and uh (1.8) and
 265 normally what they're gonna do is they're gonna set
 266 you up for a ↑jury trial↓ or a trial court trial
 267 bench trial and u:h uh just say well (.) I
 268 understand that I'm gonna appear back here on the
 269 nineteenth now (.) what that's gonna do is giving me
 270 three weeks basically to ↑go through↓ and to discuss
 271 it with Richard and make some decisions about wha-
 272 which way we're gonna go (.) ↑I would estimate that
 273 (.) >it's up to you< but uh the only way you're going
 274 to u-↑walk↓ out of that court room is by trying the
 275 case and have the jury acquit you (.) but again (.)
 276 you know (.) justice costs money and and I don't
 277 think you wanna spend four or five thousand ↑Dollars
 278 to uh beat some charges that are really only gonna
 279 cost you two or three hundred dollars of ↓finer (.)
 280 but what I'm my job is going to be is to try and get
 281 the absolute best deal I ca:n an now=
 282 R: =°yeah°
 [...]

In this segment, the attorney reformulates his previous formulation to the prosecutor and, by doing so, confirms his ownership of the client's trouble. The reformulation positions the client's trouble as "your deal" (line 260). The word "deal" carries essential strategic ambiguity. Similarly to the client's "went in the ditch," "your deal" means not your trouble any more but "your what" is now defined in terms of the collective action, or "what we're gonna do" (line 260-261). The deixes of future place the deal in the realm of actions to come, that is, purposive actions. The purpose is defined in the following lines in terms of a dilemma. Two options are being offered to the client: trial and plea-bargain. By offering a choice for action instead of requesting information the attorney establishes himself as an expert. Embedding expertise in animation, he reformulates the trouble as the problem and, simultaneously, further shifts the relationship between himself and the client.

At this point, the attorney not only speaks for the client, he actually gives him advice from himself. From the Solicitor-Animator for the client, the attorney's footing shifts to that of expert and advice-giver, or Principal. In that joint capacity, the attorney gives his reasoning for a particular path in the future course of events: "you don't want to spend four-five

thousand dollars.” The money argument for a particular course of action not only presents a typified reason; professional ethics requires that Jack, who charges 150 dollars an hour, should notify Robert of the possible expenses if the case goes to trial. In sum, as the Principal, the attorney acts as a translator of discourses, on the one hand, and the relational shifter, on the other. While providing information, the attorney presents the client’s position to the client. Speaking to the client in the client’s voice allows the attorney in the third subframe to come to a professional singularity of sorts. The next segment shows formalization of this singularity.

D. Frame IV: Figuring the Problem

In this final segment, by achieving the task at hand, the attorney “becomes” for all practical reasons. The attorney presents another formulation that unfolds within a frame of its own. The collective pronoun “We” changes to the first-person pronoun “I”. This frame condenses the preceding reframing/ reformulating in a telescopic fashion, serving as a summary for the above process. The client-attorney figure closes, the figure of the attorney becomes.

SEGMENT IV

[...]

283 A: ↑You↓ don’t want the DWI (.) that’s the number one
 284 thing that you want me to do if I gotta plead you
 285 guilty to the other three charges you probably take
 286 that in exchange for the DWI (.) but Richard’s pretty
 287 pretty hard nosed and I don’t know if he’s gonna uhm
 288 give that deal or not (.) but let’s go ahead and do
 289 this (.) my secretary’s gonna come over with what’s
 290 called a power of attorney in just a second here
 291 (1.8) we’ll get that done [REWINDING DICTOPHONE]

This segment not only summarizes the core of the matter; it also prioritizes the client’s actions as a must do. The instructions to the client are given in the directive form. In turn, the attorney becomes the “I” for the legal process. A commentary on the other attorney is dressed up in colloquial terms: “pretty hard nosed” (line 287). The client’s problem figures as “deal.” However, in this context, consequent to the discussion with the client about the preferred course of action—plea-bargain, the deal stands for the legal “deal,” that is, plea-bargained

deal. The client's deal is thus extended in the lawyer-client deal. The extension is formalized documentary in the ritual of signing the power of attorney and the contract, an activity that overlaps with this segment. The two documents fix the transformations that have occurred in the attorney-client relations contractually. The standing-for the client is now defined precisely in terms of power. A formal category, power of attorney connotes standing-for in the client's absence. The move to full representation is now complete. From now on, in a variety of activities, the attorney's voice, his body come now to stand for the client's voice, body, and, to a great degree, event.¹⁸ The segment continues with yet another transition, this time from the oral to the text by way of dictating three letters: to the prosecuting attorney, to the clerk of courts, and to the client. In those letters, the attorney turns some of what has been orally stated so far into a written account, a record to be disseminated. Dictation serves as a kind of re-formulation, this time: self-reformulation. In addition, by dictating the letters in front of the client, Jack authors them. He thus becomes the principal for what used to be the client's experience, story, and words. Archiving makes his work both immediate and transparent.

The four segments create a stratified episode that can be represented as follows:

- I. INTERACTION: (attorney-client)
 "*What happened?:*" requesting trouble
 MEDIUM: (Oral Discourse to Notes). ROLE: **Solicitor**
- II. INTERACTION: (attorney-attorney)
 "*What is going to happen:*" animating trouble
 MEDIUM: (Oral Discourse). ROLE: **Animator**
- III. INTERACTION: (attorney-client)
 "*What will happen:*" formulating problem
 MEDIUM: (Oral Discourse). ROLE: **Principal**
- IV. INTERACTION: (attorney-attorney)
 "*Happening:*" formalizing the attorney-client relationship
 MEDIUM: (Oral Discourse to Text). ROLE: **Figure**

Note the sequential character of the episodes and the funneling effects that they produce on both interactional roles. First comes the requesting attorney who solicits trouble from the client. In this activity, the attorney is assisted by another activity, note-taking. The frame of

¹⁸ This is not to say that the attorney replaces the client but only that he assumes a certain position that would have otherwise belonged to the client.

the original reformulation gives way to the formulation frame. In this second frame the attorney animates the client's discourse by presenting it to the adversarial side. The interactional nature of the presentation signifies the move from the ordinary to the extraordinary realm. The move requires reformulation of the client's experience. Done in legal terms, the reformulation defines both the realm and the problem as legal. The third frame returns the attorney to the client. In this frame, the attorney assumes the role of expert. In the corresponding segment, he counsels the client, while the latter competently accepts the attorney's consummation of the client's original place. The reframing completes in the last segment, with the attorney summarizing the future acts and then archiving them in official correspondences to the involved figures. The relationship between and among the segments as well as their thematic cohesiveness testify to the dual task pursued by the attorney-client interview. One task is pragmatic: to establish the parameters of the trouble so that it could be reformulated toward its resolution. The second task is relational: by reformulating the trouble, the attorney assumes his primary footing, that of the figure attorney. It is in the last capacity that the attorney becomes to "stand for" the client as a legal Figure. At the same time, appropriately for the interactional dynamics, first the provider and then the recipient, the client becomes the client for the legal purposes.

IV. Conclusion: Figuring the Legal Profession

In conclusion, the above analysis of an attorney-client interaction disclosed the relational nature of the legal profession as representational, that is, "standing-for." As in the linguistic figure of metaphor, standing-for does not mean substituting, there is no one substance in the metaphor; nor does the attorney's work produce substance only. The standing-for refers rather to a series of interactional moves that allow the participants to align for resolving an immediate problem. Formalized in the notions of framing and formulating, these moves help accomplish the interactional becoming of a professional identity. The analyzed episode identified the first attorney-client interview as the point of origin for

standing-for. During the first attorney-client conference, the attorney borrows specific discursive items from the client and then reassembles them in various “deviant” moves. As a result of this deviation, the client’s talk receives a new likeness in the legal discourse. In this likeness, a new event is created. The purpose of this creation is two-fold: a) to ensure that once transposed this discourse survives in the legal domain and b) to put the attorney in the position of the principal author of this discourse. At the same time, as a result of the achieved standing-for, the client-attorney relationship does not receive its finality. Further communications will continue to affirm and/or shift the current standing, thus fleshing out the attorney’s identity in acts and actions. Similarly, the client’s identity too will undergo changes and variations. I therefore suggest that an involved ethnographic investigation of this dynamics be a natural progression of this study.

References

- Atkinson, P. (1995). Medical Talk and Medical Work. London: Sage.
- Atkinson, J.M. and Drew, P. (1979). Order in Court. London: Blackwell.
- Bogoch, B. (1990). “The dynamics of power: lawyer-client interaction in a legal aid setting.” Paper presented at The Sixth International Colloquium of the International Association of the Semiotics of Law, July 7-10, in Onati, Spain.
- Bogoch, B. and Danet, B. (1984). “Challenge and control in lawyer-client interaction: A case study in an Israeli Legal Aid office,” in Text, 4, 249-275.
- Button, G. (1992). “Answers as interactional products: two sequential practices used in job interviews,” in P. Drew and Heritage, J. (eds.) Talk at Work, pp. 212-234. Cambridge: Cambridge University Press.
- Cain, M. (1994). “The symbol traders,” in M. Cain and Harrington, C.B. (eds.) Lawyers in a Postmodern World, pp. 15-48, Buckingham: Open University Press.
- Cain, M. (1983). “The general practice. Lawyer and client: Toward a radical reconception,” in R. Dingwall (ed.) The Sociology of the Profession, pp. 106-130. London: The Macmillan Press.
- Carlen, P. (1976). Magistrates' Justice. London: Martin Robertson.
- Clayman, S. and Heritage, J. (2002). The News Interviews. Journalists and Public Figures on the Air. Cambridge: Cambridge University Press.
- Clayman, S. (1992). “Footing in the achievement of neutrality: the case of news-interview discourse,” in Paul Drew and John Heritage (eds.), Talk at work, pp. 163-198. Cambridge: Cambridge University Press.
- Coupland, J., Robinson, J.D., and N. Coupland (1994). “Frame negotiation in doctor-elderly patient consultations,” in Discourse and Society, 5(1), 89-124.
- Drew, P. and Heritage, J. (1992). “Analyzing talk at work: An introduction,” in P. Drew and Heritage, J. (eds.) Talk at work, pp. 3-65. Cambridge: Cambridge University Press.

Emmelman, D. S. (1993). "Organizational conditions that facilitate an ethical defense posture among attorneys for the poor: Observations of a private nonprofit corporation." In Criminal Justice Review 18: 221-235.

Flood, J. (1991). "Doing business: The management of uncertainty in lawyer's work," in Law and Society Review, 25 (1), 43-71.

Goffman, E. (1974). Frame Analysis: An Essay on the Organization of Experience. Cambridge, MA: Harvard University Press.

Griffiths, A. (2002). "Doing ethnography: Living law, life histories, and narratives from Botswana." In Practicing ethnography in law. Edited by June Starr and Mark Goodale, 160-181. New York: Palgrave Macmillan.

Heath, C. (1992). "The delivery and reception of diagnosis in the general practice consultations," in P. Drew and Heritage, J. (eds.) Talk at Work, pp. 235-267. Cambridge: Cambridge University Press.

Heath, C. (1981). "The opening sequence in doctor-patient interaction," in P. Atkinson and Heath, C.C. (eds.), Medical Work: Realities and Routines, pp. 71-90. Farnborough: Gower.

Heritage, J. and Sefi, S. (1992). "Dilemmas of advice: aspects of the delivery and reception of advice in interaction between Health Visitors and first-time mothers," in P. Drew and Heritage, J. (eds.) Talk at Work, pp. 359-417. Cambridge: Cambridge University Press.

Heritage, J. and Greatbatch, D. (1991). "On the institutional character of institutional talk: The case of news interviews," in D. Boden and Zimmerman, D. (eds.) Talk and Social Structure: Ethnomethodology and Conversation Analysis, pp. 93-137. Berkeley: University of California Press.

Heritage, J. (1984). "A change-of-state token and aspects of its sequential placement, in J.M. Atkinson and Heritage, J. (eds.) Structures of Social Action: Studies in Conversation Analysis, pp. 299-345. Cambridge: Cambridge University Press.

Holmes, J. (2000). "Doing collegiality and keeping control at work: Small talk in government departments," in J. Coupland (ed.), Small Talk, pp. 32-61. London: Longman.

Hosticka, C. (1979). "We don't care about what happened, we only care about what is going to happen: lawyer-client negotiations of reality," in Social Problems, 26(5), 599-610.

Jefferson, G. (1988). "On the sequential organization of troubles talk in ordinary conversations," in Social Problems, 35, 418-441.

Jefferson, G. (1980a). End of grant report on conversations in which 'troubles' or 'anxieties' are expressed. London: Social Science Research Council.

Jefferson, G. (1980b). "On trouble premonitory response to inquiry," in Sociological Inquiry, 50, 153-186.

Jefferson, G., and Lee, J. R. (1981). "The rejection of advice: managing the problematic convergence of a 'troubles telling' and a 'service encounter,'" in Journal of Pragmatics, 5, 399-422.

O'Gorman, H. (1963). Lawyers and Matrimonial Cases. London: The Free Press of Glencoe.

Levi, J. N. and A. G. Walker (eds.) (1990). Language in the Judicial Process. New York: Plenum Press.

Levinson, S. (1983). Pragmatics. Cambridge: Cambridge University Press.

Mann, Kenneth. 1985. Defending White Collar Crime: A Portrait of Attorneys at Work. New Haven: Yale University Press.

Manning, P. (1970). "Talking and becoming: A view of organizational socialization," in Understanding Everyday Life, pp. 239-256. Chicago: Aldine Publishing Co.

Martin, J. R. (2001). "Cohesion and texture," in Schiffrin, D., D. Tannen and Hamilton, H. (eds.) The Handbook of Discourse Analysis, pp. 35-53. Oxford: Blackwell Publishing.

Maynard, D. (1992). "On clinicians' co-implicating recipients' perspective in delivery of diagnostic news," in P. Drew and J. Heritage (eds.) Talk at Work, pp. 331-358. Cambridge: Cambridge University Press.

Maynard, D. (1984). Inside Plea Bargaining. New York: Plenum Press.

McBarnet, D. (1981). Conviction: Law, the State, and the Construction of Justice. London: Macmillan Press.

Morris, G. H. (1988). "Finding fault," in Journal of Language and Social Psychology, 7, 1-25.

Pomerantz, A. (1984a). "Pursuing a response," in Atkinson, J.M. and Heritage, J.C. (eds.) Structures of Social Action: Studies in Conversation Analysis, pp. 152-163. Cambridge: Cambridge University Press.

Pomerantz, A. (1984b). "Giving a source or basis: The practice in conversation of telling 'how I know,'" in Journal of Pragmatics, 8, 607-625.

Ricoeur, P. (1987). Time and Narrative, vol. 1. Chicago: The University of Chicago Press.

Rosenthal, D. (1974). Lawyer and Client: Who's in Charge? New Brunswick: Transaction Books.

Sacks, H. (1997). "On lawyer's work," in Law-in-Action, pp. 42-48. Aldershot: Dartmouth Publishing Company.

Sacks, H. (1992). Lectures on Conversation. Oxford : Blackwell Publishers.

Sarat, A. and Felstiner, W. (1995). "Law and social relations: Vocabularies of motive in lawyer/client interaction," in Law and Society Reader, pp. 403-429. New York: NYU Press.

Sarat, A. and Felstiner, W. (1986). "Law and strategy in the divorce lawyer's office," in Law and Society Review, 20, 93-134.

Schegloff, E.A. (1987). "Between micro and macro: Contexts and other connections," in J. Alexander, B. Giesen, R. Munch, and Smelser, N. J. (eds.) The Micro-Macro Link, pp. 207-234. Los Angeles: The University of California Press.

Schegloff, E. A. (1986). "The routine as achievement," in Human Studies, 9, 111-152.

Schegloff, E.A. (1984). "On some questions and ambiguities in conversation," in Atkinson, J.M. and J.C. Heritage (eds.) Structures of Social Action: Studies in Conversation Analysis, pp. 28-56. Cambridge: Cambridge University Press.

Sinclair, J., and Coulthard, R. (1975). Towards an Analysis of Discourse. London: Oxford University Press.

Snow, D.A., E. B. Rochford, S. K. Worden, and Benford, R. D. (1986). "Frame alignment processes, micromobilization, and movement participation," in American Sociological Review, 51, 464-481.

Thornborrow, J. (2003). "On the organization of primary school children's on-task and off-task talk in a small group setting, in Research on Language and Social Interaction, 36(1), 7-32.

Wheeler, S. (1994). "Capital fractionalism: The role of insolvency practitioners in asset distribution." In Lawyers in Postmodern World: Translation and Transgression. Edited by Maureen Cain and Christine B. Harrington, 85-104. Milton Keynes: Open University Press.

Wolff, S. and H. Müller. (1997). Kompetente Skepsis. Opladen: Westdeutscher Verlag.