

Emotion Cycles, Sensegiving, and Sensebreaking in the Municipal Courtroom

by

Jennifer A. Scarduzio

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Graduate Supervisory Committee:

Sarah J. Tracy, Chair
Kevin Corley
Vincent Waldron

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ABSTRACT

Municipal courtrooms are brimming with a variety of positive and negative emotions from defendants who are primarily encountering the criminal justice system for the first time. Municipal court judges and bailiffs must work together and find ways to communicate important information about courtroom processes to up to 70-120 defendants a day. This dissertation investigates how municipal court judges and bailiffs from two municipal courthouses respond to three organizational challenges associated with emotion—defendant confusion about courtroom processes, handling high caseloads while treating defendants as customers of the court, and managing the serious and tedious emotional moods of the courtroom environment. Using qualitative methods of observation and informal and formal interviews, this dissertation analyzes how emotion cycles between judges and bailiffs help give sense to and break sense of defendants while simultaneously helping them navigate the challenges of their work.

Findings detail the nature of work in municipal court—explaining the challenges associated with emotion that judges and bailiffs face on a daily basis. The data also describes the emotional roles that judges and bailiffs employ in the courtroom. The judges' emotional roles include tension relievers, order enforcers, and care takers. Bailiffs' emotional roles comprise rule enforcers, toxin handlers, and do gooders. The heart of the analysis explores how judges and bailiffs give sense to defendants when unexpected situations manifest in the courtroom and break sense of defendants who hold incorrect or less favored beliefs about courtroom procedures. The emotional displays and responses of judges, bailiffs,

primary defendants (defendants before the judge), and third party defendants (those watching in the audience) enable sensegiving and sensebreaking to occur. The emotion cycles allow courtroom staff to impact the sensemaking process of defendants in a fast and efficient manner. Theoretical implications include extensions of emotion cycle research through a consideration of the displays and responses of primary agents, intermediate agents, and primary recipients of emotional displays. Practical implications describe how specific training practices and space for employee discussion could enhance the workplace wellness of judges and bailiffs.

DEDICATION

This dissertation is dedicated to all the judges and bailiffs who participated in this research and touched my life with their experiences—without these stories this project would not have been possible.

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Chapter 1

INTRODUCTION: RATIONALITY AND EMOTIONALITY IN THE MUNICIPAL COURTROOM

Some people sit there and you can just read on their face—you know I hadn't thought about it that way—and that's the kind where I feel good, that I've explained something. Others it's just, I'm just tolerating the SOB because he's in the black robe and I'm down here, and you can just read that body language. I'm not really happy with what I hear but I gotta take my licks and get out of here. Some people walk out of the courtroom and you hear bullsh*t and you hear the f-word as they storm out under their breath because they're mad. There's just a whole range of emotions in there.

- Judge Adams

Organizations are environments influenced through both cognitive and affective processes. Yet, in the past twenty five years there has been a noticeable increase in the study of affect, emotion, and mood in organizations (see Elfenbein, 2007 for a review). Scholars in diverse fields, such as sociology, management, and communication have become especially focused on the ways affective processes influence a variety of work outcomes (Amabile, Barsade, Mueller, & Staw, 2005; Fineman, 2008; Lutgen-Sandvik, 2003, 2006; Staw & Barsade, 1993; Staw, Sutton, & Pelled, 1994; Tracy, 2000, 2004a, 2004b, 2005; Tracy, Myers, & Scott, 2006; Tracy & Scott, 2006; Tracy & Tracy, 1998). This research has exposed that reliance on pure rationality or pure emotionality does not accurately

reflect the experiences of organizational members (Mumby & Putnam, 1992). Furthermore, affect is related to a number of organizational outcomes and cognitive processes, such as creativity (Amabile et al., 2005), stress and burnout (Wharton 1993, 1999), and socialization (Scott & Myers, 2005).

One particular cognitive process that is influenced by affect is organizational sensemaking. Sensemaking manifests after an organizational event creates uncertainty (the loss of meaning) or ambiguity (multiple meanings) through “efforts to create order and make retrospective sense of what occur[ed]” (Weick, 1993, p. 635). Organizational sensemaking as a theoretical perspective is quite different from the everyday phenomenon of “making sense” that occurs at an individual level (Weick, 1995). Rather than a specific focus on the making of meaning that only occurs inside an individual, sensemaking as a theoretical perspective centers on the movement of meaning-making amongst the individual, relational, and group levels (Weick, 1995). Thus, organizational sensemaking is a complex process that facilitates the interaction and communication of both rational and emotional experiences.

Organizational sensemaking has been studied in a variety of contexts, such as aircraft carrier organizations (Weick & Roberts, 1993), fire disasters (Weick, 1993), Amway distribution centers (Pratt, 2000), and through stakeholders and leader experiences (Gioia & Chittipeddi, 1991; Maitlis, 2005). Researchers have examined the ways that sensemaking influences storytelling (Boje, 1991), interpretation systems and schemas (Bartunek, 1984; Daft & Weick, 1984), power and social influence (Ibarra & Andrews, 1993), and communication and culture

(Donnellon, Gray, & Bougon, 1986; Harris, 1994). Additionally, researchers have expanded the study of sensemaking through the consideration of how leaders redefine situations in organizations and give sense to others through sensegiving (Gioia & Chittipeddi, 1991) and break down meaning through sensebreaking (Pratt, 2000). In communication research, studies have illustrated the relationship between humor and sensemaking (Lynch, 2009; Tracy et al., 2006) and rationality, emotionality, and sensemaking (Dougherty & Drumheller, 2006). Communication researchers have also examined sensemaking in specific situations including a temporary organization (Kramer, 2009), stakeholder conflict in multiple organizations (Brummans et al., 2008), work-life issues (Buzzanell et al., 2005; Golden, 2009), and high reliability organizations (Larson, 2003; Scott & Trethewey, 2008), among others.

Even though organizational sensemaking as a theoretical perspective has the potential to extend and complicate current understandings of affective and emotional experiences at work, research considering these relationships has been somewhat limited in scope. Past research has proposed that emotion is expressed during sensemaking when interruptions, or changes in the environment, occur and that the expression and feeling of emotion may influence subsequent attempts at sensemaking (Dougherty & Drumheller, 2006; Weick, 1995). Yet the relationship between emotional expression, emotion cycles, sensegiving, and sensebreaking is underdeveloped.

The purpose of this dissertation is to examine how municipal court judges and bailiffs¹ express emotion and how this emotion cycles through the courtroom to give sense to and break sense of defendants. A courtroom context is fruitful for these investigations because judges and bailiffs encounter a large number of individuals who are distressed or upset on a daily basis during arraignments and hearings. Of particular interest for this dissertation is how courtroom employees navigate and cope with these emotional situations while simultaneously managing macro- and micro- level organizational challenges in their every day work lives. This research is valuable because it sheds light on the ways that emotional expression can influence various levels of understanding (individual, relational, and group) in specific organizations. Furthermore, learning about the relationship amongst these concepts may help the courthouses under study address practical issues such as efficiency concerns and employee well-being.

Indeed, municipal court judges experience pressure from the organization to resolve or terminate cases at early stages. That is, there is an organizational expectation that courthouse employees process as many cases as possible while simultaneously providing the highest quality of service to defendants. Specifically in municipal court, employees are expected to close between 70-120 cases in a day during arraignments. Thus, courtroom employees could potentially benefit from learning how to process cases in ways that ensure feelings of fairness in defendants while also teaching them how the courtroom functions.

¹ The bailiff and clerk position were interchangeable in the courtrooms I observed. Thus, I use the term bailiff to refer to individuals in either position here and throughout the dissertation.

Emotion cycles among judges, bailiffs, and defendants may help courtroom employees address organizational challenges. Yet judges are not trained to employ emotions and are instead expected to be “rational” professionals (see Cheney & Ashcraft, 2007). As discussed in chapter two, current legal research primarily discusses judges’ sentence-making decisions and rarely explores how communication during the legal process² impacts the processing of cases. Additionally, current research on the courtroom workgroup, which includes bailiffs, similarly focuses on sentencing decisions and group responses to specific changes in the law—leaving out a detailed look at the work bailiffs actually perform in the courtroom. Communication researchers are uniquely situated to attend to these gaps in the literature through a qualitative exploration of emotion cycles and their impact on sensegiving and sensebreaking in municipal court.

Preview of Dissertation

First, this dissertation opens with an exploration of past research on judges and the courtroom workgroup from other disciplinary viewpoints. In doing so, I reveal the gaps in this literature and the need for an in-depth, qualitative study of the municipal courtroom from a communication perspective. Second, I review the state of the research upon which this study is based including emotional expression, emotion cycles, sensegiving, and sensebreaking. Throughout the literature review, I propose specific research questions to address the gaps in the literature. Third, I describe the research methods employed to answer these questions and detail my research design, including sources and sites, protocol and

² I am defining the legal process as the time before and after the judge’s decision is made when he or she is communicating with the defendants, courtroom staff, lawyers, and/or jurors.

logistics, data collection, data analysis, and self-reflexive and ethical considerations. Fourth, I provide three results chapters that explore the nature of work in municipal court, the emotional roles of judges and bailiffs, and the relationship among emotion cycles, sensegiving, and sensebreaking. Fifth and finally, I offer conclusions, theoretical, methodological, and practical implications, and directions for future research.

Chapter 2

PERSPECTIVES ON JUDGES AND THE COURTROOM WORKGROUP

Judges and the courtroom workgroup have an important and well-noted impact on courtroom decisions. The courtroom workgroup includes members of the court who work together to process cases including judges, bailiffs, clerks, prosecutors, and public defenders, among others. The individuals in the courtroom workgroup share “a common task environment and work together to achieve the common goal of disposing of cases” (Haynes, Ruback, & Cusick, 2010, p. 127). In the municipal court, the courtroom workgroup includes primarily judges and bailiffs. Since there is a dearth of research on bailiffs, specifically, I review relevant research on the courtroom workgroup below followed by a discussion of specific research on judges.

The Courtroom Workgroup

Most research on the courtroom workgroup is primarily concerned with how the traits of these workgroups, such as years working together, impact the sentencing of offenders. Eisenstein and his colleagues conducted various studies to examine how courtroom workgroups move cases through the system (Eisenstein, Flemming, & Nardulli, 1988; Eisenstein & Jacob, 1977; Nardulli, Eisenstein, & Flemming, 1988). Taken together these studies suggest that different courtroom workgroups perceive offenders and sentencing in myriad ways which creates unique patterns in sentencing.

Other researchers have extended earlier research on courtroom workgroups by exploring traits of the group. For example, research has shown

that similarity in characteristics such as race, gender, and political party affects sentencing decisions—suggesting that similarities in individual traits correlate to similar preferences in sentencing (Haynes et al., 2010). Furthermore, scholars have described the ways an entire courtroom community can influence sentencing decisions and punishment preferences (Ulmer, 1994). In an extended ethnography of courtrooms in Pennsylvania, research found that courtroom workgroups, including judges and attorneys, used relationships with public defenders and the District Attorney’s office to move cases through the system (Ulmer, 1994). For example, the courtroom workgroup used strategies such as case scheduling pressure, alignment with public defenders, and lenient sentences as a reward for guilty pleas to help avoid the long wait of moving cases to trial (Ulmer, 1994).

Courtroom workgroup research has also examined responses to organizational changes and law changes in court. Researchers investigating responses to the War on Drugs found that courtroom workgroups worked interdependently to adapt to new laws—relying on a courtroom model of efficiency (Engen & Steen, 2000). Furthermore, a qualitative study of responses to a new juvenile justice policy described how courtroom workgroup members on the frontline (i.e., bailiffs and clerks) adjusted to differences in their workload (Gebo, Stracuzzi, & Hurst, 2006). In this study, employees who perceived their workload to be increased did not support the reform and rather tried to subvert it (Gebo et al., 2006).

Courtroom workgroup research in misdemeanor, or municipal court, has examined the impact of routines and deviations on processing cases—perhaps

most interesting and related to the dissertation at hand. Courtroom workgroups in these settings face tensions between social expectations and the reality of courtroom experiences (Lipetz, 1980). In other words, the courtroom workgroup mediates the relationship between formal laws and the day to day work of managing high caseloads. For example, judges in municipal courts must communicate the meaning of complicated traffic laws to individuals unfamiliar with the system or court processes. Indeed, one study found that workgroup members “devised a set of norms that allow work to be accomplished quickly, efficiently, and with minimal uncertainty” (Lipetz, 1980, p. 47). Workgroup members helped to create a predictable environment and a high court clearance rate—leaving defendants with a feeling of satisfaction. Other research that focuses on courtroom communities also reveals how the context and norms of interaction impact outcomes and sentencing decisions (Ulmer, 2011); however, research on the communication processes that help shape and form these norms is underdeveloped. And because bailiffs are an integral part of the municipal courtroom workgroup, there is a need to study their unique roles, voices, and experiences in this setting. Whereas an understanding of experiences unique to bailiffs is lacking in courtroom literature, judge decision-making and sentencing has been a primary area of concern.

Judges’ Decision-Making vs. Legal Process

Judges have been studied by a number of legal, sociological, and criminal justice researchers in the past. Most of this research has utilized quantitative or archival methods and has been concerned with judges’ decision-making and

sentencing. Scholars have discussed the impact of the judge's race (George, 2003; Graycar, 2008; Steffensmeier & Britt, 2001; Steffensmeier & Hebert, 1999), gender (Coontz, 2000; Kenney, 2008; Songer & Crews-Meyer, 2000), and ethnicity (Spohn, 2009) on sentencing decisions (Spohn 1990a, 1990b), job satisfaction (Anleu & Mack, 2009), professional identity (Bogoch, 1999), and ambition (Jensen, & Martinek, 2009). Additionally, research has examined the impact of offender characteristics on judges' decisions including employment status, prior criminal history, and seriousness of the offense (see Spohn, 2009 for a review). There have also been studies of the emotional components of the legal and judicial profession including magistrates or judges in Australia (Anleu & Mack, 2005), barristers (Harris, 2002), and lawyers and paralegals (Lively, 2000; Pierce, 1995, 1999). More recently, legal scholars have called for the study of emotion in legal decision-making (see Bornstein & Wiener, 2006; Feigenson & Park, 2006; Maroney, 2006; Wiener, Bornstein, & Voss, 2006). The following paragraphs provide a glimpse into some of the highlights of this research.

Many legal and criminal justice scholars have employed archival analysis of court documents and statistical analyses of the impact of judge identity characteristics on sentencing decisions, job satisfaction, and ambition. Male judges have been found to possess higher levels of job satisfaction than female judges especially in regard to autonomy and opportunities (Anleu & Mack, 2009). Research has determined that female and nonwhite judges have a higher level of ambition than white male judges (Jensen & Martinek, 2009). However, the research on sentencing has provided mixed results. Some scholars have found that

female judges decide more liberally than male judges (Songer & Crews-Meyer, 2000), while others have claimed that female judges are actually harsher on crime than male judges (Steffensmeier & Herbert, 1999; Spohn, 2009). In addition, male judges are consistently more lenient on female offenders than female judges. Researchers argue that this finding is due to the tendency of male judges to employ a chivalrous or paternalistic lens when dealing with female offenders (Spohn & Beichner, 2000).

The impact of the judge's race has also produced mixed findings. In one study, the research revealed that black and white judges decide cases similarly but that black judges are more likely to sentence all offenders regardless of race to prison (Steffensmeier & Britt, 2001). Conversely, another study found that black judges were more likely than white judges to send white offenders to prison (Spohn, 2009). Thus, the research on gender, race, and judge decision-making is varied and primarily focused on the outcome (e.g., the decision), rather than the process leading up to that outcome.

As aforementioned, this past research relies primarily on archival data and quantitative methods. And while these pieces are valuable because they provide us with snapshots of differences in judge behavior, they fail to describe how these differences are constructed by and through communication in the courtroom, and how they affect organizing processes on a daily basis. Indeed, a detailed qualitative examination that captures the richness and detail of courtroom organizing processes is warranted. However, it is necessary to understand other

research on emotional work in criminal justice occupations before specifically focusing on how a study of process in the courtroom can add to this literature.

Some scholars have explored emotional expression associated with the legal and judicial systems. Examinations have included the study of paralegals (Lively, 2000, 2002; Pierce, 1995, 1999), barristers (Harris, 2002), and magistrates, or judges, in Australia (Anleu & Mack, 2005). These studies have contributed to better understanding a concept called “reciprocal emotion management” (Lively, 2002), or simultaneous emotion management between paralegals and lawyers, the suppression of inappropriate emotions in law proceedings, and the neutrality of judges in the courtroom. Furthermore, scholarship has explored the triadic level of emotional management among paralegals, clients, and lawyers (Lively, 2000), and the challenges of displaying “appropriate” femininity in the work of paralegals (Pierce, 1995). This research provides numerous details on the emotional experiences of some criminal justice occupations. However, these studies were not designed to interrogate the ways in which the emotional experiences of judges and bailiffs influence each other and courtroom outcomes. Instead, they provide a picture that compares and contrasts different employee groups rather than centering on the ways a group of courtroom employees organizes together.

Finally, in other research, legal scholars have called for considerations of emotion in the legal decision-making process which begs for investigations that foreground qualitative and ethnographic methods over archival and quantitative data. For example, scholars suggest that “legal analysis requires decision makers

to consider the emotional reactions of others when classifying certain offenses for purposes of criminal culpability” (Bornstein & Wiener, 2006, p. 115). Although the current research is not focused on the classification of offenses of criminal culpability per se, it speaks to the importance of using qualitative data to understand the role of emotion in courtroom proceedings and decisions. Furthermore, there is a dearth of research that specifically details how communication of emotion by judges and bailiffs during the legal process impacts decisions, defendant satisfaction, employee well-being, and case processing.

Summary

This chapter reviewed past criminological, sociological, and legal perspectives on the work of judges and the courtroom workgroup. Research on judges has primarily focused on differences in sentencing decisions based on characteristics of the judge such as biological sex and/or race. Additionally, research on the courtroom workgroup has detailed how similarities between employees relate to sentencing outcomes and how law changes impact their daily work. The chapter revealed that there is a need to investigate the communicative and emotional processes of courtroom employees to better understand courtroom organizing. Furthermore, there is more to understand about the work of misdemeanor, or municipal courts, and the experiences of municipal court bailiffs. In the next chapter, I review literature on emotional expression, emotion cycles, and sensemaking—moving away from previous criminal justice and legal perspectives on the courtroom workgroup and judges to explore how communicative practices may impact the legal process.

Chapter 3

LITERATURE REVIEW: EMOTIONAL EXPRESSION, EMOTION CYCLES, AND SENSEMAKING

Municipal courtrooms are settings in which the emotional expression of judges and bailiffs has important consequences for courtroom processing and organizational actor meaning-making. Individuals in the courtroom display a wide range of positive and negative emotions, and judges and bailiffs must communicate to effectively manage their own and other individuals' emotions. Furthermore, the emotions judges and bailiffs express may help courtroom visitors, such as defendants, better understand how the court process works. This chapter reviews past research to describe how the use of emotion by individuals impacts organizations. Next, I explore emotional contagion and emotion cycles to illustrate how the expression of emotion by one employee can influence other employees and individuals in the setting. Finally, I discuss research on sensemaking, sensegiving, and sensebreaking to explain various ways meaning-making occurs in organizations. To understand the emotional experiences of judges and bailiffs, the following reviews past research on emotional experiences at work and specific types of emotional expression such as emotional labor, emotional contagion, and emotion cycles.

Affect, Emotion, and Types of Emotional Expression in Organizations

Affect and emotion have been studied frequently in relation to organizational life. According to Barsade and Gibson (2007):

Affect can be thought of as an umbrella term encompassing a broad range of feelings that individuals experience, including feeling states, which are in-the-moment, short-term affective experiences, and feeling traits, which are more stable tendencies to feel and act in certain ways. (p. 37)

Feeling states can be broken down into the categories of emotions and moods and the feeling traits as dispositional affect (i.e., positive affectivity or negative affectivity).

Affect influences work outcomes. For instance, positive affect has a direct linear relationship on creativity for a one day incubation period (Amabile et al., 2005). Furthermore, positive affect increases cognitive variation (Isen 1999a, 1999b). Positive affect and emotion also increase an individual's cognitive repertoire. In fact, "experiences of positive emotions prompt individuals to discard time-tested or automatic (everyday) behavioral scripts and to pursue novel, creative, and often unscripted paths of thought and action" (Frederickson, 1998, p. 304).

Emotions are "elicited by a particular target or cause, often include physiological reactions and action sequences, and are relatively intense and short-lived" (Barsade & Gibson, 2007, p. 37). In the municipal courtroom, emotion is displayed by the defendants, lawyers, clerks, bailiffs, and judges in reaction to a wide-range of experiences and decisions (Anleu & Mack, 2005). Emotional experiences in organizations have become a research topic of increased interest since the late eighties and nineties (Brief & Weiss, 2002). Scholars from a wide range of disciplinary, theoretical, and methodological approaches have centered

on how the emotional expression of employees has direct impacts on the processes of organizing. One particular type of emotional expression that has arguably received the most attention from scholars—and relates to the work of judges and bailiffs—is emotional labor. Additionally, the topics of feeling rules and emotional roles—closely related to emotional labor—are detailed below.

Emotional labor, feeling rules, and emotional roles. In 1983, a sociologist named Arlie Hochschild changed the study of emotions at work through her book *The Managed Heart: The Commercialization of Human Feelings*. Her book “brought emotions to the fore” through a focus on the commodification and control of emotions in the service industry (Meanwell, Wolfe, & Hallett, 2008, p. 538). This investigation built on Goffman’s research of interaction and Marx’s study of factory workers to propose that people consistently alter their emotions to match job expectations (Hochschild, 1983). More specifically, emotional labor can be defined as “the display of largely inauthentic emotions, emotions that . . . can be controlled, trained, and prescribed, in employee handbooks” (Miller, Considine, & Garner, 2007, p. 233). For example, emotional labor occurs when a judge communicates fairness and neutrality, whether or not it is internally felt, toward defendants because he or she is mandated to by the courthouse organization. In other words, emotional labor is significant because it is mandated by the norms, or rules, of the organization and not always consistent with employees’ feelings.

Not surprisingly, there has been a high level of interest, debate, and research on emotional labor since the germinal work of Hochschild (1983).

Scholars in management (Ashforth & Humphrey, 1993; Ashforth & Tomiuk, 2000; Rafaeli & Sutton, 1987), organizational communication (Conrad & Witte, 1994; Miller et al., 2007; Scott & Myers, 2005; Tracy, 2000, 2004a, 2004b, 2005; Tracy & Tracy, 1998), and sociology (Fineman 2005, 2008; Meanwell et al., 2008) have focused on issues of emotional expression, management, control, and commodification. However, many investigations have been conducted in relation to service workers (for exceptions see Anleu & Mack, 2005; Harris, 2002; Lively, 2000, 2002; Tracy, 2005) rather than other types of professionals. This is to be expected given that many scholars have assumed emotional labor to be “an embedded activity that facilitates the provision of service” (Tracy, 2005, p. 263).

This emphasis on service workers is often confined to highly scripted occupations including Disney ride operators (Van Maanen & Kunda, 1989), cruise ship staff (Tracy, 2000), Delta flight attendants (Hochschild, 1983), convenience store clerks (Sutton & Rafaeli, 1988), and bill collectors (Hochschild, 1983; Sutton, 1991). However, it is important to note that some service positions are not always low status and can include employees involved in professional work such as the professions of legal, theological, medical, and engineering (Fineman, 2008). In these positions, professionals “have responsibility for managing their own, as well as others’ emotions” (Fineman, 2008, p. 678). Furthermore, professional workers are often mandated to express the “right feelings” as a way to communicate professionalism and use emotional labor to accomplish in their myriad work roles (Yanay & Shahar, 1998). Thus, the emotional labor of professionals can be implicit, based on the norms of the

organization, and influenced by the differing roles professional employees occupy in their work (Morris & Feldman, 1996).

As aforementioned, there are several occupations within the legal profession that are expected to employ emotional labor and engage in specific emotional roles, including judges, attorneys, solicitors, and paralegals. In this context, emotional labor is “interactive amongst them with their clients, reflecting, and sometimes challenging, pecking orders” (Fineman, 2008, p. 678). For example, paralegals have to function as emotion managers in a complex and gendered environment—working in emotional roles of care takers and educated assistants (Lively, 2000; Pierce, 1995, 1999). Moreover, attorneys often describe their jobs as emotionally draining and time consuming. Judges, on the other hand, are primarily expected to express neutrality and fairness (Anleu & Mack, 2005). Recent research on professional identities has also examined the ways in which municipal court judges break or violate these feeling rules of neutrality and fairness through both explicit and implicit communicative practices that are intricately related to privilege (Scarduzio, 2011).

In addition to the specific types of jobs that require emotional labor and the differing experiences of professional employees, other research has detailed the positive and negative effects of expressing emotional labor (Ashforth & Tomiuk, 2000; Rafaeli & Sutton, 1987; Wharton 1993). Research has suggested that emotional labor can be stimulating, fun, and challenging (Fineman, 2008; Schuler & Sypher, 2000). Emotional labor is also considered a valuable workplace skill that assists with socialization in the work of firefighters (Scott &

Myers, 2005). Negative effects of emotional labor on workers include alcoholism, absenteeism, stress, and headaches (Erickson & Wharton, 1997; Hochschild, 1983; Rafaeli & Sutton, 1987; Wharton, 1993).

Early research on emotional labor was also primarily concerned with worker's display of positive emotions, such as friendliness, cheerfulness, and happiness. However, the literature has also examined negative emotions such as hostility (Hochschild, 1983; Sutton, 1991). More recent scholarship has moved away from descriptions of "positive" and "negative" emotions toward a deeper understanding of the wide range of emotions expected in various occupations. For example, correctional officers are expected to display a variety of emotions and sometimes employ emotions strategically—performing emotions of "good cops" and "bad cops" (Tracy, 2004a, 2005). In addition, 911-call takers often expressed neutrality rather than a definitive emotion in order to keep callers calm (Tracy & Tracy, 1998).

A key concept related to emotional labor is feeling rules. Feeling rules are the organizational norms that determine how employees should feel, act, emotionally communicate, and respond in workplace situations (Hochschild, 1983). People consistently manipulate their emotions at work to match the feeling rules of the organization (Hochschild, 1983). Research that explores feeling rules typically involves discussions of the match or mismatch between feeling rules of emotional expression, employee internal feelings, and employee expressed emotion (Rafaeli & Sutton, 1987).

Past research has also examined the emotional roles, or roles employees embody through the expression of emotion, in a variety of occupations. Paralegals have been found to work in roles of professionalism, deference, and caretaking (Lively, 2000). Korean immigrants who work in nail salons perform roles of pampering, artistry, and competence (Kang, 2003). Correctional officers work as nurturing rehabilitators and suspicious disciplinarians in their interactions with inmates (Tracy, 2005). Additionally, border patrol agents play emotional roles that include aggressive agent presence, being professional and stoic, and demonstrating care and compassion toward immigrants (Rivera, 2010). These findings suggest that depending upon the organization, the type of occupation, and the norms of each specific occupation, employees may occupy various emotional roles.

In the courtroom, courthouse administrators provide little guidance about the feeling rules and/or emotional roles of judges and bailiffs besides the mandate to “be neutral”—which has been documented in past research (Anleu & Mack, 2005). However, even though the legal system focuses on rationality there are still emotional components of judge and bailiff work. Yet, there is a lack of understanding about how judges and bailiffs use emotion in their daily work and what types of emotional roles they embody to influence organizing and macro-level expectations. Therefore, the following research questions are proposed:

RQ₁: What are the emotional roles of judges and bailiffs in municipal court?

RQ₂: How does the emotional expression of judges and bailiffs help them manage organizational challenges?

Additionally, another gap in the literature includes how the emotional roles of judges *and* bailiffs influence each other—issues that research on emotion cycles and emotional contagion can help clarify.

Emotional contagion and emotion cycles. Emotional expression in organizations, especially in communication, has centered primarily on a within-person view. In other words, the research has focused on how employees adjust their emotional expression to achieve organizational goals. Research on emotional contagion and emotion cycles expands emotional labor research by revealing the importance of the transfer of emotion between organizational actors (Barsade, 2002). Indeed, the creation of group level emotion is “what defines a group and distinguishes it from merely a collection of individuals” (Barsade, 2002, p. 644). Specifically in the courtroom, the emotion of not just one employee—but how this emotion moves between the judge and bailiff, influences daily organizing and constructs meaning-making.

Emotional contagion is defined as a “process in which a person or group influences the emotions or behavior of another person or group through the conscious or unconscious induction of emotion states and behavioral attitudes” (Schoenewolf, 1990, p. 50). Emotional contagion occurs at both a conscious and subconscious level (Hatfield, Cacioppo, & Rapson, 1992, 1994). Hatfield et al. (1992) introduced “primitive emotional contagion” and described it as an automatic and subconscious type of nonverbal mimicking. Thus, much of the research on emotional contagion focuses on how the emotional expression of an individual through nonverbal communication is transferred and perceived by

group members (Mehrabian, 1972). Interestingly, more recent research has also found mimicking to occur through verbal interaction—revealing that emotion can be transferred via verbal or nonverbal communication (Rafaeli, Cheshin, & Israeli, 2007). At a conscious level emotional contagion can manifest through cognitive processes. In these situations, emotions are caught through a type of social comparison process where individuals match their emotion to the environment and the emotions of others around them (Adelman & Zajonc, 1989; Sullins, 1991). For example, when a judge expresses anger toward a defendant, the defendant may express an emotion of guilt or remorse to match the emotional display of the judge and the seriousness of the courtroom environment.

Emotional contagion significantly influences work outcomes (George, 1989, 1990; George & Brief, 1992). In an examination of nurses, research found how their moods were related even after controlling for important variables such as work problems (Totterdell, Kellett, Teuchmann, & Briner, 1998). In another study, researchers discovered that both the individuals in the work group and outside observers of the work group were able to recognize and name the same work-group mood (Bartel & Saavedra, 2000). Furthermore, researchers found high arousal moods as easier to recognize and claimed that “affective convergence is more likely to occur for high-energy than for low-energy emotions” (Bartel & Saavedra, 2000, p. 222). Similarly, the expression of positive emotion via emotional contagion has been shown to encourage cooperation and task performance of group members (Barsade, 2002). This would suggest that it may be easier to transfer positive emotion than negative emotion in courtroom

environments and the expression of positive emotion may help judges and bailiffs increase task performance.

Work groups with high levels of task interdependence may benefit from emotional contagion to complete tasks together (Bartel & Saavedra, 2000). Furthermore, emotional contagion is likely to occur in organizational settings where there are repeated situations and a need to monitor behavior—issues especially related to the work of municipal court judges and bailiffs (Bartel & Saavedra, 2000). Additionally, emotional contagion directly impacts employees in customer service contexts. Customer service workers who display positive emotion are able to transfer these feelings to customers and create higher levels of customer satisfaction (Pugh, 2001). Conversely, workers who are surrounded by customers in negative moods may be stressed due to the repeated exposure to upset individuals (Barsade, 2002). Emotional contagion may also be impacted by organizational power relationships between supervisors and employees (Barsade, 2002). For example, entrepreneurs have been shown to transfer their feelings of passion toward employees below them in the organizational hierarchy (Cardon, 2008). Taken together, this research suggests that emotional contagion may be especially relevant in a fast-paced and repetitive environment where task interdependence is used to process cases, such as municipal court. Also, the spread of emotion between judges and bailiffs is potentially impacted by the power position each judge holds. What is potentially interesting is how emotional contagion influences organizing in the court and further how the emotion is then cycled through the courtroom.

As mentioned, a great deal of emotion research has centered on a within-person view, or the effects of one employee's emotional expression on organizing. In contrast, emotion cycles research considers the "reciprocal interpersonal influence of emotion" and proposes that "one person's emotion is a factor that can shape the behavior, thoughts, and emotions of other people and that emotion operates in cycles that can involve multiple people in a process of reciprocal influence" (Hareli & Rafaeli, 2008, p. 36). Thus, emotion cycles center on the social influence and social construction of emotion between individuals in organizations. During emotion cycles, emotions are displayed by an agent through nonverbal and verbal behavior and these emotions affect others in the organization (Hareli & Rafaeli, 2008). Interestingly, the emotion expressed can influence the person to whom it was directed as well as to third party observers. In municipal courtrooms, where individuals observe interactions among judges, bailiffs, and other defendants, third party observers may be influenced by emotion cycles that occur chronologically before their own specific interaction with a judge.

Emotion is cycled through organizations in myriad ways. First, as mentioned, emotions can be transferred between people through emotional contagion or mimicking. Second, individuals may engage in emotion interpretation, or "perceive an agent as feeling a particular emotion and react with complementary or situationally appropriate emotions of their own" (Hareli & Rafaeli, 2008, p. 41). Third, emotion cycles can help organizational actors draw inferences about the meaning of emotion and about the individuals who express

the emotion (Hareli & Rafaeli, 2008). In other words, employees attribute meaning about emotional behavior and characteristics of other employees based on the cycling of emotion. Importantly, emotion cycles are dependent upon the perceived authenticity of others' emotion display (Hareli & Rafaeli, 2008)—suggesting that the initial agent's convincing performance of emotion is important to the success of the cycle. However, there is less known about the impact of other organizational agents on the cycle of emotion besides the initiating agent. Thus, an examination of multiple individuals within the emotion cycle and their influence on work outcomes is important because it provides a more detailed picture of the life cycle of emotion—revealing how employees work together to construct cycles for the benefit of individuals visiting the organization.

The literature has discussed connections between the expression of negative emotions by employees and emotion cycles. For example, researchers investigating “toxic decision processes” explored the emotion cycles of negative emotions and identified a three stage process of inertia, detonation, and containment (Maitlis & Ozcelik, 2004). These findings highlight that negative emotions are likely to continuously cycle through organizational environments that are repetitive and mundane because employees may be burned out and stressed by their work. In a similar study of negative emotion, emotion cycles of employee emotional abuse (EEA) were described to detail the ways employees resist and respond to instances of workplace abuse such as workplace bullying (Lutgen-Sandvik, 2003). In some cases, the cycling of negative emotions has been found to be destructive to organizing. However, research has revealed less about

the cycling of emotions with a positive valence such as pride, humor, or compassion. An investigation of emotion cycles of various types of emotion can shed light onto the ways certain cycles benefit and hinder organizing in courtrooms.

Emotion cycles exemplify the relationship between rationality and emotionality because they illustrate the ways employees attribute meaning to the emotional displays of coworkers. Yet there is still more to understand about the ways emotion cycles can cue employees and individuals who the organization is servicing, such as defendants, into how to make meaning and not make meaning about organizational life. Thus, organizational sensemaking serves as an important phenomenon to consider in relation to the concept of emotion cycles—a topic I examine next.

Organizational Sensemaking

Sensemaking as a *cognitive* phenomenon occurs at the intrasubjective level, or individual level (Weick, 1995). In other words, sensemaking as a cognitive phenomenon is an everyday occurrence that happens inside an individual's head when they "make sense" of something. In contrast, sensemaking as a theoretical perspective is much more complex than sensemaking as a cognitive phenomenon because it not only considers the individual level of meaning but also the relational, the group, and the societal levels of meaning. Essentially, sensemaking as a theoretical perspective is concerned with the movement of meaning between these various levels (Weick, 1995).

The individual level refers to individual level perceptions that occur within people's heads. The relational level refers to the shared perceptions and meanings that occur between dyads and groups and exist outside of any one individual. Next, the group level is categorical and abstract. It includes collective level, structural understandings that go beyond individual and relational meanings (Weick, 1995). Terms such as organizational norms, organizational culture, structuration, and organizational identity reside at the generic subjective level. Finally, the extrasubjective level involves societal and global levels of meaning. These levels are important to the study at hand because they highlight the ways meaning can move among individuals, dyad, and groups in organizations such as the courtroom through sensemaking. Specific characteristics of sensemaking also illustrate the importance of meaning making in court.

In Weick's (1995) groundbreaking book, *Sensemaking in Organizations*, he proposed seven properties of sensemaking. These properties suggest that sensemaking is: 1) grounded in identity construction, 2) retrospective, 3) enactive of sensible environments (enactment), 4) social, 5) ongoing, 6) focused on and by extracted cues, and 7) driven by plausibility rather than accuracy. These properties are related to this study in that courtroom sensemaking is inevitably grounded in the individual identities of the judges, the relational identities among the judges, bailiffs, and defendants, and the organizational identity of each specific courthouse. In addition, courtroom sensemaking is a social process that occurs due to the collective understandings of numerous employees. Indeed, sensemaking in the courtroom is a never-ending, ongoing process, in which

organizational members make sense of ambiguous and uncertain situations through the extraction of emotional and environmental cues.

In later research, sensemaking is discussed as a three part, circular process that includes enactment, selection, and retention (Weick, 2001). Enactment addresses the “what I say” part of the question and occurs when people create the environments that they face through encounters with raw data. Selection addresses the “until I see” part of the question and occurs when members perceive and choose plausible interpretations (Weick, 2001). The organizational members attempt to determine not only “what is the story here” (Weick, 2001, p. 237)? But more appropriately, “what is *a* story here” (Weick, 2001, p. 461)? Finally, the retention phase of sensemaking addresses the “what I think” part of the question and occurs when selected meanings are retained to bring to bear on future sensemaking situations (Tracy et al., 2006; Weick, 2001).

In the courtroom, specifically, the raw data of enactment is created most often when the judges and defendants are interacting during arraignments (enactment). Next, the judge selects a plausible explanation for defendants’ ambiguous or uncertain behaviors. For example, if the defendant swears at the judge and calls her a name, then she must decide the meaning she will ascribe to this behavior (selection). In this example, let’s pretend the judge decides to hold the defendant in contempt for swearing at her. Finally, the judge retains the memory of how she made sense of this previous ambiguous situation (e.g., the defendant is upset about their case and taking it out on the judge) and may recall

on this memory in future sensemaking interactions when other defendants swear at her during arraignments or trials (retention).

As aforementioned, sensemaking has been studied in a variety of organizational contexts and found to have numerous influences on the processes of organizing. Sensemaking is a “fundamentally social process” (Maitlis, 2005, p. 21), meaning that employees rely on the social construction of their environments to make sense of uncertain or ambiguous events in organizations and that the process of sensemaking depends upon the real or imagined presence of other individuals (Weick, 1995). Past research on sensemaking has discussed the process of sensemaking in extreme situations, how specific groups or individuals influence other organizational members’ ability to engage in sensemaking, and connections between communication, sensemaking, and organizing.

Studies of the social processes of sensemaking have primarily explored how individuals make sense of chaotic or ambiguous situations. For example, in an archival analysis of the death of thirteen firefighters in the Mann Gulch disaster, research examined the breakdown of social structure and social roles during a crisis (Weick, 1993). Other studies have revealed how collective action occurs through “heedful interrelating” on an aircraft carrier (Weick & Roberts, 1993). Most of these studies have explored situations where individuals need to make sense of an event extremely quickly. Furthermore, these studies usually involve tightly coupled systems in which “members’ interpretations and actions typically have direct and relatively immediate consequences” on other organizational members (Maitlis, 2005, p. 23). This research is applicable to the

study at hand because it reveals the ways in which employees must make sense of situations quickly and efficiently. Additionally, the research suggests that employees may work together to make meaning and that their work relationships depend upon the meanings that are made. During trials and arraignments, judges also must make sense of situations in relatively quick ways—in order to process large numbers of individuals in a short amount of time.

Sensemaking can shed light onto a myriad of other organizational and communicative practices as well. For example, human service workers use humor as means to make sense of their identities, highlight, and interpret workplace situations in distinctive ways (Tracy et al., 2006). Examinations of humor and sensemaking also reveal the effect of humor on organizing, socializing, and organizational learning and knowledge (Tracy et al., 2006). This research illuminates that the ways in which employees are trained or not trained to communicate may have an important impact on their appropriate and effective use of humor in the courtroom. Moreover, specific types of humor have been described as impacting sensemaking including humor as production control, humor as concertive control, humor as resistance, humor as safety valve resistance, and humor as reification (Lynch, 2009). Humor allows organizational members to “collectively engage in sensemaking and cope with uncertainty and pressure at work” (Lynch, 2009, p. 462). Thus, humor may be especially relevant in high stress and fast paced environments such as courtroom arraignments. These studies reveal the importance of investigating sensemaking in relation to specific communicative processes, such as humor, and furthermore, they reveal that these

specific communicative behaviors could have both positive and negative effects on organizing and identity construction in the courtroom.

In sum, research on organizational sensemaking has spanned a variety of disciplines and topics. Particularly in communication and management, sensemaking has been explored as a key component of organizing and employee life. In studies that examine giving or breaking down the sense of others, there has been discussion of other concepts related to sensemaking including sensegiving and sensebreaking. These are important to the sensemaking process—and particularly relevant to this dissertation—because they reveal the ways in which employees make sense of situations while also breaking down meaning and giving meaning to other present individuals through their communicative practices.

Sensegiving and sensebreaking. Sensegiving and sensebreaking processes are related to sensemaking in interesting ways. Sensegiving, specifically, is similar to the concept of framing from the organizational communication literature. This study focuses on sensegiving rather than framing because it intends to investigate the processual relationship amongst sensegiving, sensebreaking, and sensemaking. However, framing will be defined in order to differentiate it from sensegiving.

Framing, as discussed by Fairhurst (1993), involves the creation of visions and framing devices that assign meaning to organizational situations. Framing can occur when managers use metaphors, stories, traditions, slogans, artifacts, contrast, and/or when they spin a particular organizational issue (Deetz, Tracy, &

Simpson, 2000). Framing is a necessary communicative practice for leaders and it is specifically related to organizational change (Fairhurst & Sarr, 1996). During framing leaders use “words, images, and meanings to mobilize followers to support and enact his or her vision” (Shapiro & Ward, 1998, p. 64). Additionally, framing devices can include communicated predicaments, possible futures, jargon and themes, positive spins, and agenda setting (Fairhurst, 1993). For example, a manager could put a positive spin on a corporate merger suggesting that employees will receive higher yearly bonuses in the long term even though they have to move physical locations in the short term.

Sensegiving, like framing, is often employed by leaders during strategic change (Gioia & Chittipeddi, 1991). The term was created to understand management’s role in the sensemaking process (Caasus, Marensen, & Skoog, 2009). Sensegiving is defined as “attempting to influence the sensemaking and meaning construction of others towards a preferred redefinition of organizational reality” (Gioia & Chittipeddi, 1991, p. 442). So, for example, a manager would engage in sensegiving when she explains recent layoffs as “right-sizing” rather than “down-sizing” for the company. And while sensegiving and framing are similar because of their focus on leaders, visions, and organizational change, sensegiving highlights the process between sensemaking, sensebreaking, and sensegiving which is of particular interest to this study.

As I review below, sensegiving has been studied by scholars concerned with a variety of topics within organizational life including accounting reports (Caasus et al., 2009), strategic learning (Voronov, 2008), identity and image

(Gioia & Thomas, 1996), psychological contracts (Snell, 2002), and organizational change (Vaara & Monin, 2010). Researchers have centered on the ways sensegiving occurs through storytelling (Dunford & Jones, 2000), in the work of middle managers (Balogun, 2003) and board of directors (McNulty & Pettigrew, 1999), and during organizational change (Corley & Gioia, 2004) and organizational development (Bartunek, Krim, Necochea, & Humphries, 1999). Moreover, sensegiving allows individuals to redefine situations in ways that are beneficial to leaders. Below I discuss how these studies specifically frame the current research.

Sensegiving helps normalize and legitimize certain organizational realities while delegitimizing others (Gioia & Thomas, 1996). The process of sensegiving “shuts down alternative interpretations of reality, constrains sensemaking, and limits who can participate in the sensemaking process” (Voronov, 2008, p. 201). In the courtroom, the process of sensegiving by judges and bailiffs may limit how defendants can make sense of events. Furthermore, sensegiving is intricately related to power and also helps shape and reshape organizational identities because it is usually employed by individuals who hold power within organizations (Gioia & Thomas, 1996; Voronov, 2008). Indeed, while there is not necessarily an officially titled leader in the courtroom, sensegiving most probably evolves from the communication of judges or bailiffs rather than defendants.

As sensegivers provide new information about meaning in the organization, other employees create, recreate, and expand its actual organizational identity. Sensegivers in leadership roles create “mental models”

that shape the individual and collective identities of their followers (Gioia, Schultz, & Corley, 2000). For example, when courthouse administrators value efficiency, they may encourage judges to move through cases quickly and/or encourage courtroom staff to treat defendants as customers of the court.³ When this occurs within organizational life, the process of sensegiving has the potential to eliminate “desire to protest, resist, or even pose questions” (Hardy, 1994, p. 560). In other words, organizational members in the courtroom are faced with powerful communicative processes about meaning making that help to shape and define the way not only employees but also defendants understand the courtroom processes.

Recent research on sensegiving has named anticipated gaps in organizational sensemaking processes as triggers of sensegiving (Maitlis & Lawrence, 2007). Additionally, enablers, or items related to the effectiveness of sensegiving, have been found to include the communicative ability of leaders and routines within the organization (Maitlis & Lawrence, 2007). In other words, leaders who communicate effectively with their followers are more likely to enable sensegiving to occur. Understanding the sensemaking gaps that sensegiving creates could be especially relevant to understanding courtroom dynamics. This dissertation examines the way judges and bailiffs respond to gaps in understanding from the defendants and use those moments to provide information about the proper conduct, behavior, and processes through emotion cycles between various actors in the courtroom.

³ The courthouse administrators at the courthouses I have studied ask courthouse employees to treat defendants as “customers of the court” an issue that will be discussed in the analysis.

In addition to sensegiving, sensebreaking is relevant to this study because it highlights the ways organizational members must break down sense in order to give sense. That is, judges may have to first break down the way defendants make sense of specific situations before they attempt to influence their subsequent meaning making. In my site specifically, defendants have an expectation for how the courtroom process will proceed; however, their perceptions about the flow of action (often based upon television shows) are usually not the same as what happens in reality. Indeed, the judge may use sensebreaking to break down the misconceptions about courtroom processes that defendants learn from watching television court shows (i.e., Judge Judy) and then give sense to courtroom members in ways that help them move through the system quickly or create feelings of fair treatment.

Sensebreaking is the opposite of sensegiving. It involves the “destruction or breaking down of meaning” (Pratt, 2000, p. 464). Research on Amway distributors introduced the purpose of sensebreaking as a disruption in individual identity through the creation of a gap in meaning (Pratt, 2000). At Amway specifically, sensebreaking occurred by making employees feel like their current identities were lacking and that they needed to strive and dream for more (i.e., dream building) and sensegiving practices took the form of positive programming (Pratt, 2000). This research found that when both sensebreaking and sensegiving were successful employees positively identified with the organization. However, if either sensegiving or sensebreaking failed, the Amway distributors either deidentified or experienced ambivalent identification with the organization (Pratt,

2000). Thus, this research suggests that sensemaking and sensegiving are processes that work together with sensemaking to help achieve organizational goals and outcomes while simultaneously assisting employees to embody organizational values.

Relating Emotion Cycles, Sensegiving, and Sensebreaking

Emotional expression and suppression is a daily part of work in the municipal courtroom. Judges must manage their individual and others' emotions in ways that help defendants leave with a perceived sense of fairness. Similarly, bailiffs may have to match the emotional tone of judges in order to effectively perform their jobs. Of particular interest for this dissertation is how the individual emotional roles of judges and bailiffs influence and work together as emotion cycles throughout the courtroom. Furthermore, this dissertation explores how these emotion cycles simultaneously relate to sensegiving and sensebreaking of defendants and how they help employees attend to organizational challenges such as high caseloads. Indeed, emotion cycles “evoke a process of sensemaking, members of an organization make sense of and interpret the emotions of other people which influences their own emotions and behaviors as well as processes and outcomes of the involved organizational dyads, groups, and teams” (Hareli & Rafaeli, 2008, pp. 37-38). But how do emotion cycles impact sensegiving and sensebreaking? And what can the study of judges and bailiffs show us about the entire life cycle of emotion?

It would be interesting to understand the ways that judges break down sense and give sense to defendants through emotion cycles that include

expressions from bailiffs—given the demands for quick and efficient communication in municipal court. This dissertation attempts to provide insight about the relationship amongst sensegiving and sensebreaking in relation to emotion cycles and emotional expression. Therefore, the following research questions are posed:

RQ₃: How do emotion cycles facilitate sensegiving and sensebreaking in municipal court?

RQ₄: How do judges and bailiffs work together to create emotion cycles in municipal court?

Summary

This chapter introduced the municipal courtroom as an important context for studying the relationship between emotionality and rationality. This chapter reviewed research on emotional expression, emotional contagion, and emotion cycles. I highlighted the importance of understanding the interpersonal influence of emotion and the emotional roles of courtroom employees. This chapter then explored sensemaking, sensegiving, and sensebreaking literature to illustrate the ways meaning making occurs in various settings. Finally, I discussed potential ways sensegiving and sensebreaking may be related to emotion cycles and I offered research questions throughout the chapter. The next chapter details the methods I employed to conduct this dissertation and reveals my analysis procedures.

Chapter 4

A DAY IN COURT: METHODS AND ANALYSIS

This dissertation provides an investigation of emotional expression, including emotion cycles, sensegiving, and sensebreaking in municipal courtrooms. The research incorporates different types of qualitative methods including participant observation, and ethnographic and semi-structured interviews to study these phenomena. In the following paragraphs, I explain the importance of employing qualitative methods in this study.

First, qualitative methods allowed me to capture multiple points of view in context (Taylor & Bogdan, 1984; Van Maanen, 1979). Denzin and Lincoln (2005) argue that qualitative researchers are able to “get closer to the actor’s perspective through detailed interviewing and observation” (p. 12). This dissertation focused on situations that were specific to the courtroom context and therefore, it was imperative that I observed communication practices occurring in the site as they happened. Qualitative researchers also attempt to experience reality, empathize, describe, and identify with the people they study in order to understand (Taylor & Bogdan, 1984). Throughout my dissertation research, I investigated the context and communication in municipal courtrooms to gather a variety of perspectives and viewpoints to understand the communicative practices of organizing (Lincoln & Guba, 1995; Weick, 1995).

Second, qualitative methods attempt to search for theory through a process of induction and action toward a certain phenomenon (Lindlof & Taylor, 2002). Within this approach, theory and method have a shared relationship with each

other and the movement between theory and method is iterative (Miles & Huberman, 1994). The researcher does not start out to prove a theory; but instead examines ideas that emerge as most salient from the research (Altheide & Johnson, 1994; Strauss & Corbin, 1990). Thus, as I conducted my observations and interviews at the two courthouses, I used the concepts of emotional dissonance, emotional deviance, organizational sensemaking, and identity as sensitizing concepts (Glaser & Strauss, 1967), but the key findings are grounded in the data. During the early time in the field, I employed the notion of requisite variety (Weick, 2007) because “it takes a complicated sensing device to register a complicated set of events” (p. 16). In other words, I utilized a wide range of theories to assist in understanding the complexity of the courtroom. However, in this dissertation I ended up focusing on the relationship between emotion cycles, sensegiving, and sensebreaking, and the how the emotional roles of judges and bailiffs work together to create emotion cycles in municipal court.

Third, through qualitative research I utilized crystallization (see Ellingson, 2009, Richardson, 2000) and relied heavily on participant observation and the interaction between the researcher and the people I studied (Lincoln & Guba, 1995; Lindlof & Taylor, 2002). Crystallization is a postmodern alternative to the traditional conception of validity through triangulation. It suggests that there are an “infinite variety of shapes, substances . . . and angles of approach” (Richardson, 2000, p. 934) to any research project. Moreover, it proposes that each angle of the experience makes the final project more complex and provides a deeper understanding of the context under study. In fact, through the use of

crystallization researchers do not apologize for “inevitably partial accounts . . . [instead they] celebrate them as additional points of view or facets of the crystal” (Ellingson, 2009, p. 87). Thus, researchers employing qualitative methods recognize and present the partiality of their research in ways that create complexity and deeper understanding.

In the remainder of this methods section, I provide a description of my ethical and self-reflexive considerations, research sites, protocol and logistics, data collection procedures including participant observation and interviews. Furthermore, I explain my data analysis procedures.

Ethical and Self-Reflexive Considerations

I am personally interested in the topic of courtroom communication because I was raised in a family where law enforcement was valued and discussed frequently. My father was a criminal defense attorney for my entire childhood and teenage life. And although he never discussed specific cases with me due to ethical responsibilities to his clients, I was still exposed to lawyers’ behind the scenes work. Furthermore, I have always been fascinated with the legal and judicial system generally and crime specifically. I am an avid watcher of true crime television shows as well as unrealistic but popular legal shows such as *Law and Order*. Despite my high level of appreciation for the criminal justice system, I am frustrated with the legal presentation and understanding of courtroom proceedings and the overreliance and privileging of rationality in the courtroom in past research (e.g., research focusing on legal decisions and outcomes). As a communication scholar, I recognize there is much to learn about the

communicative practices and organizing during courtroom proceedings and also behind the scenes, especially in relation to emotional communication.

Originally, I was granted access to the municipal courthouses because my father works at both sites as a Judge Pro Tempore, a part time judge that fills in for full time judges in a way similar to a substitute teacher. There are several potential values and weaknesses, along with ethical implications, of receiving access this way and holding this researcher role.

The strengths of this researcher role include higher levels of access to an infrequently studied population and gathering behind the scene details and comments from participants that I may not have been privy to if I was not related to a judge. There have been few studies that have acquired the degree of access that I have to either municipal judges or other courtroom staff. In fact, there is a great deal of mystery around what judges and bailiffs really think and, as aforementioned, most legal and criminal justice articles rely primarily on speculation and quantitative data on sentencing rather than detailed qualitative methods to understand this context. Furthermore, with recent calls to consider professional workplaces and identities (see Cheney & Ashcraft, 2007), my researcher role provided me unique insight into how judges “do the professional” in everyday work situations. Finally, since my father lives in Arizona, he served as a key informant during the data collection process. This is beneficial because he clarified questions I had about legal proceedings and laws that allowed me to understand the context under study in new ways.

However, there are also some weaknesses to my researcher role. Participants who know my father may have felt obligated to interview with me or tell me “specific” versions of events – especially bailiffs who are in subordinate organizational positions and have worked with my father. In the municipal court, some of the employees know my father personally and have worked with him at some point and others were simply aware of who he was. However, the participants I interviewed did not communicate a sense of discomfort with me about revealing certain information. Additionally, I am aware that my father’s opinions may have influenced the types of data collected and presented in this dissertation. Therefore, I was open and self-reflexive during the process of data collection about the types of data included and why I have decided to include it. Lastly, because I personally know municipal judges, I may have been viewed as a “management spy” by bailiffs and I was careful to avoid these perceptions while simultaneously reflecting on the types of data collected and how my positionality impacted the collection of this data.

Some of the ways that these weaknesses and other ethical implications were addressed are detailed below. First, I employed relational ethics (Ellis, 2007), or an ethics of care, by treating participants with respect, conducting interviews and discussions around their schedules, and providing follow up thank you cards and reports. In addition, relational ethics helped me to focus on protecting my participants’ confidentiality. Second, I understood and was cognizant that judges and bailiffs did not feel comfortable discussing the specific

and/or highly sensitive nature of cases with me and instead, I focused on learning about their own communicative behaviors during interviews.

Third, and finally, it was difficult to get access to both judges and bailiffs and therefore, in many cases I only had “one chance” to get a good interview. Therefore, I engaged in practice mock interviews before the actual interviews so that I was more fully prepared. Additionally, I made sure to ask questions that did not implicate the judges in violation of their ethical codes of conduct. For example instead of asking, “What is the biggest mistake you made as a judge?” I asked, “Can you tell me about a challenge that you faced at work and how you overcame it?” In summary, I took the strengths and weaknesses of my researcher position into consideration continually throughout my dissertation study through careful thought about the way participants viewed my role in the scene.

Description of Research Sites

The sites of research included two municipal courthouses, Equitas and Curia.⁴ The two courthouses are located in two cities in a large southwestern state in the United States (see Table 1 for more details on the research sites). Municipal courthouses handle cases which include traffic violations, misdemeanors, small-claims cases, pretrial hearings, domestic violence cases, assaults, and other civil and criminal misdemeanors.

Equitas municipal courthouse. The Equitas Municipal Courthouse is located in a suburban town. It is a much smaller municipal courthouse than the Curia Municipal Courthouse with a total of only about six full-time judges. The

⁴ The names of the courthouses have been changed to protect confidentiality.

Equitas Municipal Court provides orders of protection and injunctions against harassment and addresses criminal misdemeanors including civil traffic violations and petty offenses. The Equitas Municipal Court files an average of about 13,000 cases a year or about 1000 per month.⁵

Curia municipal courthouse. The Curia Municipal Courthouse is included within the top ten busiest municipal courts in the United States. The court process an average of 300,000 cases a year, including up to 78,000 criminal cases. In addition, the courthouse has a large number of employees including about 30 full time judges and hearing officers. The maximum punishment imposed by judges is a penalty of six months in jail and a \$2,500 fine.

Table 1

Summary of Research Sites

Name	Location Type	Types of Situations Observed	Number of Cases (FY 2010-2011)	Data Collection Time Periods
Equitas	Municipal Courthouse	Arraignments, non-jury trials, jail court	15,000	Jan 2009- May 2009, Jan 2011 – Oct 2011
Curia	Municipal Courthouse	Arraignments, pre-trial conferences, traffic court, jail court	350,000	Jan 2009- May 2009, Jan 2011 – Oct 2011

Data Collection Procedures

I employed multiple qualitative methods of data collection including shadowing and participant observation, informal/ethnographic interviews, and

⁵ All information about the courthouses was obtained from their websites and from their 2010-2011 fiscal year workload reports. I rounded up the numbers to protect the courthouses' confidentiality.

semi-structured/audio-recorded interviews. Data was gathered during two separate time periods (January 2009 – May 2009 and January 2011 – October 2011) for a total of 13 months in the field. The data collected included a total of 153 research hours and resulted in 441 single-spaced pages of data (see Tables 2 and Table 3 for research hours and data and Appendix A for a description of participants).

Table 2

Summary of Research Hours

Type of Data	Hours Spent Collecting the Data	
	Equitas Municipal Court	Curia Municipal Court
Shadowing/participant observation	45	62
Interviews – informal	7	17
Interviews – semi-structured/audio-recorded/transcribed	8 judges, 3 bailiffs (average interview length was 52 minutes)	8 judges, 3 bailiffs
Subtotal	63	90
Total	153 research hours	

Table 3

Summary of Pages of Data

Type of Data	Single Spaced Type Pages	
	Equitas Municipal Court	Curia Municipal Court
Shadowing/participant observation	72	107
Interviews – informal	15	28
Interviews – semi-structured/audio-recorded/transcribed	108	111
Subtotal	195	246
Total	441 single spaced typed pages of data	

Participants were recruited through an e-mail announcement sent by the presiding judge or his or her secretary and also snowball sampling. Access was granted through meetings with the presiding judges at each courthouse.

Institutional review board approval was received and the studies were determined exempt for data collection. Participation in the study was voluntary and all participants were assigned or selected their own pseudonyms. Three main sources of data comprised the study – participant observation informal ethnographic interviews, and formal audio-recorded interviews.

Participant observation. Participant observation is a vital part of qualitative and ethnographic methodology. Lindlof and Taylor (2002) state that participant observers “occupy uniquely liminal positions, in which they are situated—both literally and existentially—*between* various social groups, psychological states, research goals, and so on” (pp. 135-136, emphasis in original). Additionally, Lindlof and Taylor (2002) explain that every role in the field has a generic and situated character. The generic character relates to the types of actions and obligations included in the role and the situated character “involves the adjustments of the self to specific people in specific situations” (Lindlof & Taylor, 2002, p. 143). Ultimately, my researcher role during participation observation at the courthouses most closely aligned with an observer-as-participant. In the courtroom, I had a detailed plan of how to collect data and participants were aware of my presence. However, a role as observer-as-participant also means that “participation derives from a central position of observation [and] observation is primary, but this does not rule out the possibility that researchers will casually and nondirectively interact with participants” (Lindlof & Taylor, 2002, p. 149). In other words, I never formally participated in courtroom activities or procedures; rather, my participation centered on observing

courtroom proceedings and also shadowing courthouse employees throughout their work days.

Despite this researcher position, my experience in the courtroom was somewhat unique to previous typologies of researcher roles. Indeed, in some cases the only person that knew I was collecting data was the judge and in other cases everyone in the courtroom was aware of my presence. For example, during jail court observations I sat behind the judge's bench and was affiliated with the organization by my physical position. However, in other cases I sat in the "audience" and the only people aware of my observer presence were judges and bailiffs. Although I did notice that because I was taking notes in a large notebook and I dressed in business attire, defendants sometimes asked me questions as if I was an employee such as, "Can I just enter the courtroom?" Thus, even when I was sitting in the "audience" and only observing some defendants perceived me to be affiliated with an official role.

In the field, I sat in a variety of locations in the courtroom. As mentioned, locations included sitting directly next to the judge's bench, farther away in the actual audience, on the side next to the bailiff's chair, and in every row of the courtroom. Also, I observed at different times of the day and on different days of the week to gather a myriad of viewpoints on the scene. I observed at least one time during every hour of each courthouse's normal hours of operation (8:30 am – 5 pm). Municipal court observation occurred once or twice a week for two-four hours. Shadowing employees involved following the employee around for all or part of their work day.

A total of 107 observation hours were collected. In municipal courts, a large majority of observation occurred during arraignments, or first appearances at court, to watch how cases were resolved or terminated in early stages. Additionally, some jail court, traffic court, and non-jury trials were observed. Field notes were transcribed within forty eight hours of observation and resulted in a total of 212 single spaced pages of data.

Interviews. I employed two types of interviews in this study: (a) informal/ethnographic interviews, and (b) semi-structured respondent interviews (Lindlof & Taylor, 2002). I gathered 24 informal or ethnographic interviews to collect clarifying information about the courthouses, judges, and bailiffs. These interviews were *not* audio-recorded and they most often took place immediately preceding or following observations of organizational members in the courtroom. I often asked questions about events that had just happened during observations in the informal interviews. For example, I witnessed Judge Smith tell a defendant to sit down on the side of the courtroom before he was finished communicating with him. When I asked Judge Smith about this interaction later, I learned that some judges put defendants in “time out” if their behavior is frustrating the judge or if they want to “teach them a lesson”. These informal interviews followed no interview guide.

Semi-structured respondent interviews were also conducted with municipal court judges and bailiffs. The semi-structured interviews were audio-recorded, transcribed, and followed a formal interview guide. These interviews lasted anywhere from 45-75 minutes, with an average of 52 minutes. I

interviewed 16 municipal court judges and I also engaged in four follow up member reflection interviews. In addition, I interviewed a total of six bailiffs, for a grand total of 22 formal recorded interviews with judges and bailiffs. The interviews took place in a wide range of locations including the judges' chambers, coffee shops, restaurants, and over the phone and were conducted at a time and place convenient for the participant.

The interviews with municipal court judges included a variety of questions about emotional expression in the courtroom (see Appendix B). I considered the “what, why, and how” of the interview, meaning that I: 1) examined relevant literature before constructing the guide, 2) understood the purpose of my study, and 3) gained knowledge about various techniques of interviewing (Kvale, 1996, p. 94). The judge interview guide was separated into six sections including background and work history, description of daily work-life, judge behavior, identity, and emotion use, power and maintaining order, work-life wellness, and closing questions. In the background and work history section, I asked questions such as “How long have you been working as a judge?” The description of daily work life section was used to get a picture of what municipal court judge work entails. Thus, questions such as “What aspects of your job do you enjoy the most?” were asked.

The focus of this study centers on many of the questions asked and answered in the judge behavior, identity, and emotion use section of the guide. For example, I asked questions such as “I’ve seen some judges get frustrated and angry with defendants during my observations. Can you think of a specific

example of a time when a defendant frustrated you,” and “how does an ideal judge act, behave, and communicate in the courtroom?” The power and maintaining order section asked questions such as “How do you respond if a defendant is not following the rules” to understand use and abuse of power. The work-life wellness section asked questions revolving around stress and burnout including, “What are some of the ways you cope with stress?” Finally, the closing questions section asked if the judges had any advice for other individuals who wanted to become judges.

Additionally, I created an interview guide for municipal court bailiffs (see Appendix C). The bailiff interview guide included five sections—background and work history, description of daily work life, bailiff identity and emotion use, courtroom rules and behavior, and closing questions. In the background and work history section, I asked questions such as, “Why did you decide to become a bailiff?” Daily work life questions included questions about aspects of their job they enjoyed the most and aspects that they found most challenging. Furthermore, in the daily work life section I asked, “What are the primary responsibilities of your job” to attempt to understand the role of the bailiff in relation to the judge. In the bailiff identity and emotion use section, I was exploring the emotional expression of the bailiff and how that emotional expression impacted their relationships with judges and defendants. I asked questions such as, “I’ve seen some bailiffs go out of their way to help defendants. Can you think of a specific example of when you went out of your way to help a defendant through a challenging situation?”

The courtroom rules and behavior section of the interview guide explored rule enforcement and relationships between bailiffs. I asked questions such as, “How do you respond if there is a disagreement between you and other members of your work group?” Finally, in the closing questions section, I asked them if there was anything they wished people knew about being a bailiff that they had not already talked about.

As the interviews proceeded, I revised questions and asked for thoughts about preliminary themes through member reflections (Tracy, 2010). During member reflections, I discussed my observations in the field with participants and asked for their opinions and reactions to these observations. In subsequent interviews and analysis, I considered the participants’ reactions to my findings. I transcribed all of the interviews within one week of completion. After transcription, I listened to the audible tapes and checked the transcriptions for errors.

Data Analysis

Data analysis was a multiple stage process and involved iterative moves between examining and collecting data in the field and reading relevant theoretical literature on the topics of interest (Miles & Huberman, 1994). The stages of analysis included a data immersion phase, primary cycle coding, secondary cycle coding, writing theoretical memos and analytic asides, and the use of NVivo qualitative data analysis software.

In the beginning of my analysis, I spent a significant amount of time organizing all of my data. I chose to organize my data into large binders and also

into electronic files for use with data analysis software. During this data immersion phase, I read and re-read my data and talked to other individuals about emergent findings (Tracy, Forthcoming). Once the data was organized I started coding the data.

The first stage of my analysis involved open coding, line by line coding (Lindlof & Taylor, 2002), or primary cycle coding (Tracy, Forthcoming). During this time, I examined my data line by line and attempted to create first-level or descriptive codes. First-level codes are primarily descriptive in nature and require answering the question “What is happening here” (Charmaz, 2001, p. 337)? As I created the first-level codes, I simultaneously created a category codebook that listed each first-level code, a description of each code, and an example (see Appendix D). For example, I employed the first-level code “humor use” to mark anytime that judges or bailiffs used humor in the courtroom. This code included examples when I observed humor use in the courtroom and also responses to the question from my interview that asked, “Can you think of a specific example when you used humor in the courtroom?” A humor use example marked in my codebook describes when Judge Major said, “You can have a seat; that is for those of you who can find one!” during an arraignment proceeding.

During the second stage of analysis, I engaged in focused coding, also called secondary cycle coding (Tracy, Forthcoming). During secondary cycle coding, I named and organized first level codes into specific categories and looked for patterns within and between those categories (Charmaz 2001; Lindlof & Taylor, 2011; Tracy, Forthcoming). Second level analytic codes were created

that tied more specifically to theoretical concepts such as emotional deviance or sensegiving. The second level codes were also added to my codebook. For example, I used the second-level code “emotional deviance” to mark examples when judges violated norms of emotional expression in the courtroom. The humor use first-level code previously mentioned was placed into the second-level code of emotional deviance and further separated into either “privileged deviance” if the judge’s humor was used to draw attention to the judge’s power, or “unintended deviance” if the judge’s humor use was an accident (Scarduzio, 2011).

The third stage of analysis involved writing analytic asides throughout my field notes and interviews to describe my own thoughts and preliminary ideas. Some example topics I wrote about in my analytic asides are bailiff rule enforcement, understanding why judges entered and left the courtroom when defendants were still present, reflections on the various uses of humor in the courtroom, and discussions of relationships between bailiffs and judges. Additionally, I wrote theoretical memos throughout the process of data collection and analysis in order to describe my second level codes in relation to previous theoretical work. For example, I wrote memos about types of emotional labor I was observing in attempts to distinguish them from previous theoretical work such as the difference between double-faced emotion management and the emotional roles of the bailiff. During the process of memo-writing, I conducted theoretical sampling (Charmaz, 2001) by returning to the field to look for data to fill in gaps that I found in my analysis and to clarify emerging concepts. In

addition, I conducted negative case analyses; purposefully looking for data that refuted what my findings were suggesting and revising categories until I could not find any more negative cases (Lindlof & Taylor, 2011).

The fourth and final stage of my analysis involved the use of qualitative data analysis software. I imported all of my interview data and field notes into NVivo qualitative data analysis software creating each interview as its own case and field notes from each courthouse as their own case. Using NVivo, I began to re-code the data using free nodes based on my previous primary and secondary cycle coding. Through the process of coding in NVivo, I used all of the codes I had previously come up with and I created some new codes. During coding, I took a break every sixty minutes to write analytic memos about what the codes meant in relation to the larger goals of my study. I read over my free nodes (first-level codes) and organized them into categories of tree nodes (second-level codes) which included: 1) emotional deviance, 2) emotional control and suppression, 3) emotion cycles, and 4) sensemaking and emotion. Lastly, using my tree and free nodes, I re-created a code book which included first level descriptive codes such as “ideal characteristics of a judge” and second level analytic codes such as “emotional suppression”. The code book included the name of the category or theme, a definition of that category, and a real or hypothetical example of each category. NVivo helped me with organizing my data and quick retrieval of examples during the writing of my results chapters.

Summary

This chapter explained the qualitative methods employed to examine the courtroom context. First, I described how qualitative method's reliance on voices, diverse perspectives, understanding, and crystallization made them appropriate for this dissertation. Second, I detailed the two research sites and the participants in this dissertation. Third, I offered descriptions of my three methods of collecting data—participant observation, informal interviews, and formal audio-recorded interviews. Fourth, I revealed the data analysis practices this dissertation utilized including data immersion, primary and secondary cycle coding, theoretical memo-writing, member reflections, negative case analysis, and NVivo data analysis software.

The next three chapters provide a detailed picture of the results of this dissertation. In chapter five, I describe the nature of municipal court—explaining the types of proceedings I focused on, what a day in court is like, and four organizational challenges that judges and bailiffs face on a daily basis. In chapter six, I investigate the emotional roles of municipal court judges and bailiffs and I begin to explore how their emotional expression is used to respond to organizational challenges. Finally, in chapter seven, I illustrate the emotion cycles of municipal court and reveal how these cycles allow judges and bailiffs to give sense to and break sense of defendants. Together, these chapters illuminate a story of emotional expression by judges and bailiffs and the emotional sensemaking processes of courtroom proceedings.

Chapter 5

THE NATURE OF WORK IN MUNICIPAL COURT

Judges and bailiffs at the Curia and Equitas municipal court agree that most individuals in the general public are not aware of how the courtroom functions on a daily basis—a fact that the literature also reiterates (Anleu & Mack, 2005). Indeed, many of the participants I interviewed frequently mentioned defendants had little understanding of how court processes worked. The confusion about daily courtroom organizing created tension and added responsibilities for judges and bailiffs. Additionally, macro-level issues and elements of daily work life in the courtroom created organizational challenges for judges and bailiffs. This chapter begins by describing the types of proceedings in municipal court. Next, I briefly describe a typical day in court for judges and bailiffs. Finally, I focus on three organizational challenges associated with emotion that impact organizing in municipal court. These descriptions of municipal courtrooms provide a background explanation for the judge and bailiff emotional roles and also for how employees give sense to and break sense of defendants through emotion cycles.

Types of Proceedings

The job of a municipal court judge includes presiding over a range of proceedings in their daily work. Judges work at: a) arraignments, b) pre-trial conferences, c) trials, d) order-to-show cause hearings, and e) in-custody dockets. Bailiffs, similarly, work during various types of proceedings. During trials and pre-trial conferences lawyers are usually present in the courtroom. In both cases,

the judge is working with only one defendant at a time and he or she does not have the ability to communicate directly with the defendant but must speak to the defendant through the lawyer. Trials last from one to five days. Pre-trial conferences are faster than trials—lasting from ten minutes to an hour. In some cases, I included examples from in-custody dockets in my analysis. In-custody dockets occur the morning after defendants have been arrested. Defendants are held overnight and in the morning a judge decides whether the person will be kept in jail or released. Since this study is centered on the direct communication among judges, bailiffs, and defendants, I focused primarily on two specific types of proceedings in the analysis that offered the most frequent number of interactions among these group members. The two courtroom proceedings that I focus on are arraignments and order-to-show cause hearings which I explain below.

An arraignment, or initial appearance in court, is the time set for individuals to be seen initially after charges have been filed against them. For example, an individual who is pulled over and given a ticket for driving with a suspended license is given a court date. On that date, the person charged with the crime, called a defendant, must show up to court at any time during normal business hours (8:30AM – 5:00 PM). When the defendant shows up at court, they check in and are then assigned to a courtroom. In the courtroom, the defendant is seen by a judge. The arraignment courtroom usually includes, at any given time, one judge, one bailiff, and between 10-50 defendants waiting to have their cases processed. The interactions between the judge and defendants usually last between one to five minutes.

The second type of proceeding I focused on was order-to-show cause hearings. These are times set for the judge to make decisions on cases where defendants have become non-compliant in paying their fines. Thus, defendants are asked to “show cause”, or provide the judge with a reason why they are delinquent, in order to avoid being held in contempt of court. Similar to arraignments, the defendants are given a date to come in to the court. However, the time judges talk to individuals in these hearings is usually longer than arraignments because the judges ask defendants more questions about their case. As Judge Nixon explains, “both arraignments and order-to-show cause hearings are walk-in dockets.” This means defendants can walk in to the court at any time of the day rather than having a scheduled appointment. Because defendants can walk in, certain times of the day and days of the week are usually busier such as mornings, after lunch, and “payday Fridays” (Judge Lewis). As Judge Hocum explains, “Fridays are busier because people are trying to clear things up.” Additionally, most people in order-to-show cause hearings owe the court money and thus, they may come to the court on “payday Fridays” because that is when they have the available funds to pay the court.

As aforementioned, I focused on arraignments and order-to-show cause hearings because of the large number of individuals who must be seen by the judge and bailiff and the prevalence of direct communication among the judge, bailiff, and defendant. As I’ll explain next, the typical work day of judges and bailiffs and the various organizational challenges they face influence daily work life and provide a backdrop for understanding emotion use in the courtroom.

A Typical Day in Court

Municipal court judges at the Curia and Equitas courthouses have a range of tasks and responsibilities depending upon which division they work. A division typically includes a judge, and one to two bailiffs. Each division handles different types of cases and situations. For example, the divisions I primarily observed were courtrooms where criminal misdemeanor arraignments occurred. In these courtrooms, cases primarily included driving with suspended licenses, shoplifting, driving under the influence of alcohol, and/or domestic violence charges.

The typical work day of a judge varies depending upon the division in which he or she works. Judge Hocum, a judge in the civil traffic division, explains her typical day below:

I have four dockets. That's an eight thirty, a ten thirty, a one thirty and a three o'clock docket. Those dockets are people who actually have set appointments, so they're set arraignments, set motions for the default, or set sentencing, then in between those just as people come, then we just have the walk-in people. So it's a steady day.

Judge Hocum's day includes four dockets, or times where defendants have scheduled appointments to meet with the judge. The rest of the day includes interactions with walk-in defendants. Thus, depending on the day, her level of busyness can vary tremendously.

In contrast to Judge Hocum, some of the other judges I interviewed worked in different types of proceedings throughout the day. Judge Warchol describes, "My average work day is basically starting dockets at 8:30 and ending

them at 5 o'clock, meaning I do arraignments, I do pre-trial conferences, I do non-jury trials, and I do in-custody dockets in the afternoon." As Judge Warchol explains, a typical work day can include numerous types of proceedings. Thus, judges must have the versatility and flexibility to work through different challenges that arise due to the nature of the court proceeding. Bailiffs also are faced with a work environment that changes frequently.

In the courtrooms I observed, bailiffs were rotated weekly. For example, a bailiff would be assigned to work in one judge's courtroom for a week and then in another courtroom the next week and so on until the cycle started over. Bailiff Mary described, "In the arraignment courts we move from courtroom to courtroom and judge to judge each week." She went on to explain that during her typical work day she, "works in the courtroom for half the day and then I switch with one of the other bailiffs. For the second half of the day, I work on paperwork and another bailiff works in the courtroom." From this description, we learn that the bailiffs spend half of their days in the front stage and half of their days in the back stage—a workplace reality that is unique to the work of bailiffs and not applicable to judges. During an informal interview, Judge Yorker explained that "We process so many cases. They [bailiffs] can't both be in the courtroom because there is too much paperwork that needs to be done behind the scenes." These examples describe that bailiffs must also be flexible because they work with different judges and different proceedings each week. Additionally, beyond the actual structure of their work days, judges and bailiffs face several types of organizational challenges associated with emotion. I share these here to set the

stage for my later findings and analysis about how and why judges and bailiffs engage in sensegiving and sensebreaking.

Organizational Challenges Associated with Emotion

Over the course of my observations of various courtroom proceedings, I noticed judges and bailiffs respond to organizational challenges associated with numerous issues. However, for the purpose of this study I chose to focus on three organizational challenges associated with emotion. The first of these challenges was the defendants' lack of understanding of courtroom processes. The second challenge included the need to process a large number of cases while treating the defendants as customers of the court. The third challenge involved balancing the emotional mood of a formal and serious situation with the actual tedium and monotony of the courtroom environment.

Defendant Confusion about Court Processes

Many defendants come into municipal court without a clear understanding of how it works. First, the confusion is partially related to the fact that many defendants have never been in the courtroom. As Judge Fortune suggests, "the vast majority of the cases we have are first offenses." In reality, approximately 75% of court cases include first offenders (Equitas Municipal Court Fiscal Report, n.d.). Second, most of the defendants in municipal courts generally and in arraignments and order-to-show-cause hearings specifically are not represented by attorneys. Bailiff Leslie stated, "If you have a lot of people in here not represented, a lot of them come in here very confused." One particular area where I noticed the defendants' confusion was about the judge's ability to resolve cases.

Time after time, defendants would expect the judge to solve their problem when in reality it was not within the judge's job to completely resolve the case.

Judges have little discretion to make decisions about cases during arraignments and order-to-show cause hearings. In other words, during arraignments the only option is for judges to accept guilty pleas—if the defendant wants to plead not guilty the judge is required to schedule a pre-trial conference or send the defendant to speak to a prosecutor depending on the type of charge. The purpose of the defendant seeing the judge is to eliminate, or at least reduce, the number of individuals in the system by resolving the cases where guilty pleas can be taken during initial appearances. During order-to-show cause hearings, judges can only decide if the defendant is in contempt or is not in contempt related to their delinquency on fines. For example, someone charged with shoplifting will not have their case resolved during an arraignment. Rather, the judge will call them forward and ask them if they would like to speak to a prosecutor about a diversion program, or a class they can take to have their charges dropped. Because many defendants believe their case will be further resolved than is often the case in these initial hearings, a great deal of confusion can arise in the courtroom on the part of defendants.

For example, I witnessed as a defendant became confused while Judge Suarez attempted to get his plea.

Judge Suarez reads the man his rights and explains all the maximum and minimum penalties for the charge looking at him directly in the eyes. The judge then asks the man what he pleads. The man hesitates to respond and

looks down at the ground. The judge queries, “What are you worried about?” The man replies, “I don’t want to go to jail.” The judge retorts, “You’re not going to jail. So what do you plead?” The man admits, “Guilty, I guess.”

As evidenced in the above example, the defendant seemed unsure about what to plead. He did not understand what the consequences were for pleading guilty and was therefore reluctant to admit guilt. Indeed, even when the judge assured the defendant he would not be going to jail he still was hesitant to plead guilty adding the qualifier of “I guess.” Repeatedly, I witnessed similar situations in the courtroom where defendants responded hesitantly to requests, asked for clarification, and needed assistance making decisions about their cases.

During interviews, judges explained why they believe defendants may be confused. For example, Judge Ryne stated:

Arraignment is not the time when a person can tell their story and a lot of time defendants don’t understand that. That’s just a time when a person can either plead guilty or not guilty. So a judge has to be able to explain to the person, you can’t tell your story today but do it in a way so that you are not rude.

As Judge Ryne suggests, many defendants come to court expecting to explain their case directly to the judge. The defendants are excited and nervous to explain what happened and tell their side of the story. However, due to the large number of individuals that the court processes during arraignments there is not enough time to provide each defendant the opportunity to share their point of view.

Instead, defendants have their initial appearance at an arraignment at which time they either plead guilty or not guilty. If they plead guilty, the judge can take their plea. If they plead not guilty, they are assigned to come back for a pre-trial conference. Thus, unlike presentations on popular television shows like Judge Judy and The People's Court, defendants actually do not have the opportunity to tell their stories until their pre-trial conferences and by this time they have either hired a private attorney or are assigned a public defender who speaks for them.

Judges also discussed that having to "cut defendants off" during arraignments and order-to-show cause hearings was particularly challenging.

Judge Costello elaborated:

They're trying to tell you their whole life story and you really can't allow them to do that and still process everybody who needs to get through that day and it's sometimes hard to kind of cut people off, because there are some people who are bound and determined or hell bent on telling their story and you know taking all this time to tell you whether they want to plead guilty or not guilty and that's really the only question you need to get answered at that moment. So that's a challenge.

Similar to Judge Ryne, Judge Costello explains that arraignments are not a time to let defendants tell their stories. She expands on this by revealing that the judge really only needs to get the plea from the defendant. Additionally, the lack of understanding that defendants bring with them to the courtroom creates a communicative challenge for the judges and bailiffs. As a consequence, the

judges have to find ways to explain how the courtroom works to defendants and simultaneously process their cases quickly.

Indeed, defendant understanding is complicated by external discourses such as courtroom dramas. For example Judge Costello mentioned, “It’s (Judge Judy) as much of a distorted view of what you get in say Law & Order. I think those kinds of shows skew people’s perspectives of how they are going to be treated and how things go in court.” Conversely, Judge Hocum offered a positive perspective, “I have my catch phrase one of my jokes in the back with the staff is, ‘zip it’. That’s going to be my catch phrase; they’re going to start doing the zip it, and then I’ll get my own T.V. show.” Thus, Judge Hocum uses a characteristic of Judge Judy’s communication—her catch phrase “zip it”—in her own courtroom. Indeed, the judges recognized and were aware that defendants come in shaped by external influences and larger discourses of what court will be like—another factor that influenced defendant perceptions of how court was supposed to work that did not match organizational reality.

The challenge of communicating the nature of court processes to defendants is further complicated by the sheer number of defendants who need to be seen over the course of a typical day. On average, the judges I interviewed were expected to resolve or process about 40 defendants a day. However, in arraignments and order-to-show cause hearings that number jumps up to approximately 70-200 defendants. As aforementioned, defendants in both types of proceedings are primarily walk-ins. Each division is expected to process all the defendants who arrive in the courtroom and stay until each defendant has been

seen by the judge. In other words, if it is 5 o'clock and defendants are still waiting to be seen, the judge and bailiff must stay to finish processing the cases. Bailiffs, specifically, usually stay even longer because they are responsible for completing the paperwork for each case after the judge makes his or her decision. Moreover, judges and bailiffs must process the large number of cases while simultaneously treating the defendants as customers of the court—an issue I turn to next.

Processing Customers of the Court

The second challenge is the macro-level pressure judges and bailiffs feel to process cases quickly while simultaneously treating defendants like customers of the court. Judges explained that they are expected to get defendants “in and out” (Judge Smith) and “go as fast as possible” (Judge Meyers). These facts suggest that judges and bailiffs are given limited amounts of time to communicate how the process works and what the appropriate and inappropriate types of behavior are in the setting. During an informal interview, I recognized the importance of processing cases quickly when Judge Yorker asked me how Judge Black read her pleas and if she used any shortcuts that he could incorporate into his own pleas. Indeed, judges were interested in cutting time off of each defendant interaction through small changes in their communicative behavior. Interestingly, courthouse administrators not only expect judges and bailiffs to process cases quickly but also to provide a type of customer service.

The Curia and Equitas municipal courts specifically encouraged judges to treat defendants like “customers.” As one presiding judge explained, “I mean obviously customer service is a really important part of everything we do,

whether it's dealing with defendants or witnesses, whoever, anybody who comes in here is a customer of the court." The pressure to treat defendants like customers was created by various norms related to customer service. At each courthouse, there is a customer comment card box outside the courtrooms where defendants can file complaints about the way they are treated in court. These complaints are compiled and saved for each judge. The defendant complaints have the potential to create organizational punishments on a large scale such as prohibiting a judge from receiving reappointment at their formal reviews every other year and also on a smaller scale. For example, during an informal interview, Judge Major mentioned that she had been brought in for a meeting about courthouse concerns by her presiding judge when she received two complaints in the comment card box within a month. She was told to treat the defendants more respectfully because there had been complaints about her demeanor. Judge Major was disciplined for not being fair and given the opportunity to change her behavior before her reappointment review. Indeed, judges and bailiffs are held accountable by defendant opinions and therefore they must adequately perform fairness so that the defendants do not claim otherwise.

Another norm related to customer service is the expectation to treat defendants respectfully. Furthermore, the norm is complicated by the number of defendants the judges and bailiffs process daily. In other words, judges and bailiffs must not only process cases quickly but also treat each defendant with a certain degree of respect due to their customer status. Judge Fortune elaborated, "I just start out with the idea that everybody comes here is worthy of respect . . .

[and] we can make a difference now.” Thus, the mandate to treat defendants like customers complicates communication among defendants, bailiffs, and judges because it puts pressure on courtroom staff to not only make defendants feel as if they are treated fairly but also to influence the defendant’s future behavior by making a difference now.

While most of the judges and bailiffs agreed that defendants should be treated fairly they did not agree with the idea that defendants are customers. Many of them explained that this was because defendants do not “choose” to come to court. Judge Major reiterated:

A customer is somebody who has the choice to go somewhere, the choice to shop at Target or the choice to shop at Wal-Mart, or the choice to not shop at all. I am adamant about the fact that I do not consider these people customers. I consider them defendants and I don’t mean that in a derogatory sense. Again they are not customers, they are not here because they want to be here. They are not here because they are choosing to come to court, they are here because they are in a bad situation and they have to come here and get a resolution.

As Judge Major explains, a defendant’s experience is uniquely different from a customer’s experience because they do not usually have a choice about coming to court. Other judges pointed out similar reasons why they do not view defendants as customers.

Judge Lewis said, “And so even if you are rude to them they might have to still come back where most customers wouldn’t.” Indeed, judges have more

leeway than typical customer service clerks to express their emotions to defendants without penalty. Judge Darson also emphasized, “A customer is not compelled to come into a place and buy a product or service.” Similar to past research, the judges and bailiffs face a dialectic of service—where the organization asks them to be respectful but actual courtroom interaction is different than customer service (Tracy, 2005). Thus, judges and bailiffs must provide a service, perform fairness, and create satisfaction for individuals who do not typically want the service in the first place. Furthermore, judges, who are in a high status position, face the difficulty of serving and being respectful to low status others—similar to the work of correctional officers (Tracy, 2005). In addition to the challenges mentioned above, I want to share one more organizational challenge, and it is related to the emotional moods of the courtroom itself.

The Emotional Mood of the Courtroom

Environments can communicate a mood or emotional feeling simply by the way they are organized visually. In the arraignments and order-to-show cause hearings I observed, the environment conveyed a sense of seriousness and solemnity, similar to what has been described in past research as “grim formality” (Waldron, 2000). In the excerpt below, from one of my first observations at the Curia Municipal Court, I describe my initial impression of the physical set up of the scene:

When I walked into the courtroom, no judge or bailiffs were present, only people sitting in rows of wooden seats. A large bench spans the front of

the room where the judge sits along with two seats on the side that have computers and printers (for the bailiffs). Interestingly, the judge's seat is significantly higher than the ones on the side. An American flag is positioned on the left side of the bench and the state flag is on the right. Also in between the rows and bench are two smaller tables where defendants sit and fill out the paperwork that the judge gives to them. The defendants waiting for their turn sit in wooden rows behind the railing and they often do not sit next to each other unless they came together or there are no other seats available. As I sit and wait, I notice how quiet it is in the courtroom. I can literally hear the lights buzzing and the clock ticking. I can sense the uncertainty, apprehension, and nervousness of the people around me.

The description above mentions at least three ways that defendants are cued into the mood of the courtroom environment. First, the defendants are visually cued to the importance of the judge through the height of his or her chair in comparison to other individuals. Also, the physical arrangement of judges and bailiffs seated in chairs that are separated by a railing and looking down upon defendants highlights a separation between the two groups and suggests the notion of insiders and outsiders. Second, the quietness of the courtroom sends the message that this environment is serious and as described communicates a feeling of uncertainty about what is about to happen in the scene. Third, the American flag and state flag cue the defendants into the larger ideals of justice and government that align with

the organizational identity of the court. In addition to the physical set up, the actual appearance of the judge also impacts the mood in the courtroom.

Defendants are cued into the position of the judge and the seriousness of the situation through the formal black robe that judges wear in the courtroom. Indeed, judges themselves are also aware of the importance and symbolism of their robes. Judge Yorker explained, “When you put on the robe, people just treat you differently” and Judge Darson suggested, “[People] think it’s a big deal when the robe goes on and you are in the courtroom.” Furthermore, judges were quick to mention that their position and the robe symbolize the judicial branch of government and should be respected as such. Thus, defendants are cued into the mood of the setting (serious) and the position of the judge (powerful) through the physical set up of the environment before any verbal communication actually occurs.

In contrast to the grim formality and perceived seriousness of the courtroom, the emotional mood of municipal court is characterized by a great deal of tedium and monotony. As an observer, I described this monotony in my field notes. For example, during one observation, I wrote: “Time drags in this place, even for me and I am not even waiting to be seen by the judge. I wonder how the defendants feel. You have to have a lot of patience in this place.” A reason why time can drag during arraignments and order-to-show cause hearings is because individuals are processed in waves. For example, let’s say a group of twenty people is waiting to be seen by the judge during an arraignment. The judge walks into the courtroom and stays present until he or she has processed the files—

meaning the judge has reviewed the defendants' cases and taken their pleas. As the judge has processed the files, new defendants have walked in but their files have not arrived from downstairs so the judge leaves the courtroom until the new files have arrived. Meanwhile, the new defendants have sat through the processing of up to 20 other people which could take up to an hour or more, then watched as the judge left the courtroom usually without an explanation of where s/he was going or when s/he will return, and then sat there in anxious silence for up to ~30 more minutes without any discernable activity.

In other words, there is a lot of tedious down time when the judge is not in the courtroom and the defendants are just waiting to be seen. A reflection in my field notes exemplifies the feelings of sitting in the courtroom:

This courtroom has lots of breaks in what is going on. The judge comes in and calls about five to seven names and then the judge leaves out of the back doors behind his bench. This gives the impression that the judge's time is important but the defendant's time is not. The judge can get up and leave to go to the bathroom or hang out in the hallway behind the courtroom but the defendants have to sit and wait because they do not know when the judge will come back and they do know when their name will be called. They cannot afford to miss their time in front of the judge.

Defendants are cued in to the mood of the scene when the judge enters and leaves the courtroom. As mentioned, the judge could enter and leave several times before seeing a defendant. Further, because the actual interactions between judges and

defendants are relatively short (1-5 minutes) many defendants spend more time in court waiting to speak to the judge than actually talking to him or her.

For example, during an observation I watched a man wait for his turn to see the judge for about an hour. When the judge finally called the man forward, he simply said, “You need to go downstairs and post your bonds or I am going to put you in jail.” The man turned to walk out of the courtroom—sighing and rolling his eyes as he stormed by me. This man had waited an hour to have an interaction with the judge that lasted less than a minute. In other cases, the tedious nature of the courtroom impacted courthouse employees.

Judges and bailiffs discussed the monotony of court especially in relation to the repetitive and routine nature of the cases. Time and again I watched defendants being called forward for driving with a suspended license charges. Bailiff Tammy stated that, “You get really tired of seeing the same thing over and over.” Judge Costello affirmed:

I think it can be hard not to get cynical and jaded. Also sometimes particularly in arraignments kind of everything is different but a lot of it’s really the same, so on some mornings in arraignments I come in like, “Did I really go home last night? Or did I just have a short dream that I went home.” So it can be repetitive.

On the same note, Judge Adams mentioned that there have been days when he wanted to “poke his eyes out” because he has to see a large number of civil traffic charges (i.e., speeding tickets). Furthermore, Judge Fortune reiterated that, “You can look around and say what you are hearing now is what you are going to be

hearing 20 years from now, it's not going to change dramatically, and especially in municipal courts, players don't even change." In other words, the proceedings judges work may vary but the actual content of what they are dealing with does not change that often.

Bailiffs also appeared bored by the repetitive structure of their work days. During an observation of arraignments, I watched as Bailiff Penelope kept nodding off in the middle of a trial. Additionally, I witnessed Bailiff Mary and Bailiff Tim staring into space while judges engaged in discussions about delinquent fines with defendants. On a similar note, Bailiff John mentioned, "I sometimes zone out when the judge is reading pleas." Pleas can be especially monotonous because they include the same statements and questions each time and judges can read guilty pleas to 5-10 defendants in an hour. Common questions during a plea include: 1) Have you had any drugs, alcohol, or medication in the past 24 hours? 2) Has anyone forced you or threatened you to plead guilty? 3) Do you give up your rights to an attorney? The judges also ask about immigration status and explain how to appeal a decision. The examples above reveal that the tedium and monotony of the courtroom at the municipal level is inevitable because of the repetitive nature of the types of cases, the defendants who are being seen, and ultimately the structure of the courtroom itself.

The previous descriptions of the mood of the courtroom highlight both the formality and seriousness of courtroom proceedings coupled with the tedium and monotony of daily work life. These issues suggest an interesting question in terms

of how judges and bailiffs deal with the reality of these two moods—something I turn to in the next chapter when I explain the emotional roles of courtroom employees.

Summary

This chapter introduced the courtroom environment and explained three organizational challenges associated with emotion. First, the lack of defendant understanding about courtroom processes compels the judges and bailiffs to find ways to communicate a great deal of information in a short amount of time. Second, the judges and bailiffs face pressure to resolve cases quickly and treat defendants like customers. Third, they must do so in a very formal organizational setting that is marked with tedium and monotony. These challenges set the stage for the heart of my analysis which discusses the emotional roles of judges and bailiffs and how the emotional roles cycle and influence each other to help give sense to and break sense of defendants. In the next chapter, I detail how the judges and bailiffs have integrated emotional roles into their communication to deal with these organizational realities.

Chapter 6

THE EMOTIONAL ROLES OF MUNICIPAL COURT JUDGES AND BAILIFFS

The emotional expression of employees is an important part of daily organizational life. As documented, many employees are expected to employ emotions—both formally and informally—to reach organizational goals (Hochschild, 1983; Tracy, 2004a). In many cases, the emotions employees express align with organizational expectations (Pugh, 2001). However, often times the requirements of emotional display discussed formally contradict with the ones actually manifest during organizing (Tracy, 2005). In the courtroom specifically, emotional behavior is frequently discussed as something to be avoided by courthouse administrators and even some employees (Spohn, 2009). Despite this, observations and interviews with judges and bailiffs reveal various emotional interactions common in municipal court. Due to the fact that emotion is rarely discussed in regard to legal workers and the reliance on performances of rationality, the emotional experiences of judges and bailiffs highlight a new way of understanding these organizational positions.

In this chapter, I explore judges' and bailiffs' emotional expression in the courtroom and the roles this emotion employs. Emotional roles explore the way employees use emotion to accomplish tasks at work. Emotional labor performances and emotion management allow judges and bailiffs to embody these emotional roles. I provide answers to the questions, "How do judges and bailiffs talk about emotional expression at work?" and "What are the emotional roles of

judges and bailiffs?” This chapter also begins to answer the question, “How does the emotional expression of judges and bailiffs help them manage organizational challenges?” Judges’ experiences in the courtroom reveal how the emotional roles they occupy vary widely from the organizational mandate to be neutral. Bailiffs’ emotional roles illustrate the importance of their position as a buffer between the emotional expression of judges and defendants.

The Emotional Roles of Judges

Municipal court judges at the Curia and Equitas courthouses are not formally expected or required to express emotion in their daily communication. This is apparent through the judges’ responses to the interview question, “How are you trained to communicate emotionally with defendants?” For example, Judge Darson explicitly stated that she was trained to “NOT be emotional” and Judge Adams claimed that his demeanor must be “dead-pan.” Additionally, as Judge Ryne explained, “As a judge, you are neutral. Neutral party. You just sit neutrally listen, make rulings when people object, make a ruling on their case at the end.” Judge Nixon echoed by stating, “We are trained to use logic and reason and leave emotion out of it.” Indeed, the courthouses administrators officially only require judges to display neutrality. However, the way judges talk about their work and actual observations of courtroom interactions contradict with the mandate of neutrality—revealing that emotions are not required but frequently expressed in court.

One way judges expressed the emotional nature of their work was through their use of metaphors. Judges compared their work in municipal court to “factory

work,” “being an air traffic controller,” “groundhog’s day every day,” and the “principal’s office for grown ups.” Judge Black, in her description of arraignments stated that, “It’s like an assembly line. Processing the widget.”

Additionally, Judge Ryne elaborated:

Especially this type of court, this is the principal’s office for grown ups.

The people that come in here they are grown ups, but they are people who can’t comply with society’s rules. In school you might have somebody getting in a fight with another kid, or running through the hallway, or not getting to class on time. Well these are the same types of rules. These are people who can’t comply with rules.

These metaphors touch on the characteristics of the defendants and also highlight the repetitive and tedious nature of municipal court. What’s more, they hint at the types of emotional expression that is necessary to control this monotonous environment. For example, the description of the courtroom as a “principal’s office for grownups” suggests that judges may need to emotionally communicate a combination of authority and compassion. The descriptions of their work as “factory work” and “processing the widget” implies that judges view their jobs as repetitive and perhaps routinized, but also that they may need to communicate helpfulness to keep the cases moving quickly. The metaphor of “groundhog’s day everyday” suggests similarly that a judge’s work lacks variety and emotional expressions that break up monotony may be appropriate such as humor. And the metaphor of “air traffic controller” hints at the stress judges may feel and the time they spend directing defendants about how to properly navigate the court system.

In all cases, the metaphors indicate a role for communicating emotionally—whether that is through sternness, authority, compassion, or helpfulness.

Interestingly, judges often talked about the use of specific emotions as a characteristic of an ideal judge which contradicts with their discussion of how they are trained. For example, Judge Costello stated that, “Empathy for someone who has experienced a tragedy is okay.” Moreover, Judge Yorker claimed, “Humor can help put individuals at ease” and Judge Hocum said, “I think you have to have a sense of humor on the bench and in your communication.” Additionally, Judge Warchol explained a judge’s demeanor should, “I think be stern but not overbearing.” Thus, judges talked about the need to express certain emotions as part of their work even though they were only asked to be neutral. Consequently, it is important to learn about the emotional expression that emerged in judges’ work roles to better understand how these displays help judges navigate their daily work lives and respond to organizational challenges.

Judge as Tension Reliever

Humor, especially tension relief humor, was used in the courtroom frequently by judges. Tension relief humor is employed to help individuals relax and to alleviate stress, strain, or pressure in the workplace (Lynch, 2002). When asked the interview question, “Can you provide an example of the type of humor you used in the courtroom,” most judges provided an example of a comment or statement that eased tension.

During observations, the judges often employed tension relief humor in response to an event occurring outside of their control. For example, I watched

Judge Meyers use humor in response to the organizational challenge of a tedious and slow-moving environment.

There are no more files left in the courtroom and the defendants are still waiting to be seen by a judge. Judge Meyers smiles, “Your files are on the way. As soon as they get in, I will be with you.” A baby cries out loudly in the courtroom, “AAAAHHHH!!” “I don’t blame her,” the judge says as he winks and the ten people waiting to be seen laugh.

In this case, Judge Meyers used the unexpected baby cry as an occasion to make light of the tedium of the courtroom and the possible frustration that people felt because they had not been seen by a judge yet. As a consequence of this comment, the defendants and staff were able to laugh at an otherwise frustrating situation imposed by the macro-level structure of the court (i.e., movement of files). Therefore, in this case the tedium and monotony that occurred through waiting for files was in some ways alleviated through Judge Meyers’ tension relief humor.

Other judges also expressed humor to make light of the structure of arraignments. For example, Judge Costello stated:

I give the general spiel and there are people who hear it more than once and they are tired of hearing it and I will say I am going to call you up individually and if you’re not the person to whom I am speaking you can go back to thinking about whatever you were thinking about—and that always gets a chuckle, and sometimes people will come toward the bench

and they'll stop way back and I'll say, "Come on up here I'm not going to bite you."

Similar to the previous example, Judge Costello expressed her humor in response to the larger macro-structure of the court (e.g., defendants waiting to be seen due to no files). Her humor made fun of the fact that defendants have to hear the repeated instructions from the judge. Also, she encouraged defendants to stand closer to her, promising she would not "bite" them. In this case, the humor use communicated that it is appropriate to stand closer to the judicial bench and as a consequence Judge Costello was able to provide directions about appropriate courtroom behavior.

Judge Major also discussed her use of humor during arraignments to improve the mood. She explained how the courtroom can be particularly crowded and that she has made light of this by saying when she entered, "You can have a seat, that is for those of you who can find one!" Again, Judge Major is using her humor to laugh with the defendants about something outside of her control. Indeed, Judge Major also stresses the importance of using humor "sparingly" when interacting with defendants. Thus, Judge Major thinks humor is appropriate but put specific parameters on the type and kind of humor that should be employed. She believes the humor can be used in regard to the situation or the process but should not be utilized to make fun of defendants. Other judges agree, such as Judge Adams who explained to me, "We are making fun of the situation, not the individual."

Judge Warchol's opinion on the use of humor is similar and she says humor should be "harmless" and "not offend anyone." In an example of a jury trial, Judge Warchol explained how she made the comment, "Whoa officer, be careful about the comments you make about us over fifty folks" to make light of a police officer's statement about aging. This comment was directed toward the "over fifty folks" in the courtroom, including the judge, lawyers, and jury and in Judge Warchol's words was meant to bring some "levity" to an otherwise serious proceeding. Thus, the comment made light of the officer's comment and also made fun of her own age. The humor was unexpected and provided a break in the monotony and seriousness of the trial.

In observations, I also noticed judge's using humor in response to defendants' nervous or accidental behavior. In the following observation at Equitas Court, Judge Smith responded to a defendant's verbal slip.

A shorter, stocky, slightly balding man waddles up to the male judge and when asked, "Can you afford a lawyer?" The man's response is "No ma'am." The judge replies with a twinkle in his eye to the man, "Ma'am? Do I look like a woman?" "No sir," the man shakes his head quickly. "I don't usually get called ma'am unless my hair grows out," the judge laughs. "Well my hair doesn't grow out at all," the man retorts and both the judge and defendant laugh.

Judge Smith, in this case, responded to an accidental slip by the defendant with a humorous response rather than becoming angry or upset. Through his response, the judge downplayed the significance of the defendant's mistake. The judge's

expression of humor in response to the defendant's embarrassing moment helped the judge perform fairness toward the defendant.

During a plea in the Curia Court, Judge Suarez also chose to use humor in response to a female defendant's verbal slip.

The judge asks, "So do you plead guilty?" The woman shakes her head no—her eyes are open wide and I can see her right hand shaking slightly. Judge Suarez looks at her directly, "You are not going to jail. So do you plead guilty?" The woman smiles and shrugs her shoulders, "Shit, yeah." The judge looks wide-eyed at the woman and there is a silent pause. The woman interjects, "I mean sure." The judge laughs, "Did you just say 'shit yeah'? I am supposed to ask you if there is anything else you want to say but I am afraid to ask you."

Here Judge Suarez's response to the woman was humorous and served to relieve tension. The judge could possibly tell the defendant was nervous from her nonverbal behavior. Similar to the examples presented above, an event occurred outside the judge's control and the judge had to quickly come up with a response. Indeed, when the defendant expressed something accidentally an ambiguous situation was created and the defendant was unsure of how the judge would respond. Instead of holding her in contempt, scorning her, or ignoring the behavior, the judge filled in a gap in meaning by providing a humorous response.

The examples of humor use above highlight times when the judges' emotional behavior fit the role of tension reliever. In these cases, using humor serves to lighten up a serious and tedious environment, helps defendants

understand their mistakes are not that serious, and creates perceptions of fair treatment. Humor in these cases is being used in response to accidents and situations outside of the judge's control. The situations judges are responding to include macro-level issues and challenges such as the tedium of the courtroom, the mandate to treat defendants like customers, and a lack of defendant understanding but also micro-level issues such as responses to unexpected comments in the courtroom. Being a tension reliever is one important emotional role of judges; however, in the next section, it becomes apparent how emotions expressed to enforce order in the courtroom are also necessary in the work of judges.

Judge as Order Enforcer

Judges incorporated the expression of sternness, anger, frustration, and sometimes even rudeness to help enforce order in the courtroom. In some cases, the emotions expressed to maintain order were communicated by judges to help them avoid putting defendants in contempt of court. For example, Judge Costello explained:

I had a non-jury trial and I found against his client and he was just flipped out about it and he was just going off and I said you know I understand that you don't agree with me. And he literally started coming toward the bench and he was hollering. So I put up both my hands and said in a loud voice, "You need to sit down and you need to do that now," and thankfully he did.

In this situation, Judge Costello's expression of anger cued the defendant to stop coming toward the bench. The judge did not hold the man in contempt of court but rather expressed an emotion which assisted with enforcing order in the court.

In a similar example, Judge Hocum told me:

I had to yell at a defense attorney because he was physically in the officer's face, and I started with the Mr. Banta, Mr. Banta, and the officer is trying to leave and the man is huge in front of him, and finally loud enough that it caught him off guard I'm like, "Out of my courtroom now." And he left.

In both of the previous examples, the judges verbally displayed an emotional tone of anger or frustration. As a consequence, the judges' behaviors helped maintain order in the courtroom and allowed the judges to not put the people in contempt—a behavior they tried to avoid. As Judge Warchol explains, "Contempt really should just be a last resort" and Judge Adams echoes, "I've only held one person in contempt in ten years." As evidenced, the judges viewed the ability to control their own courtroom as a badge of honor—being proud of the ability to put the lowest number of individuals in contempt as possible. And the judges' verbal behavior (i.e., yelling) and nonverbal behavior (i.e., raising their hands) was employed in response to threatening behavior as a way to avoid contempt and enforce order in the court.

Judges also enforced order by expressing frustration toward defendants who were not acting appropriately in court. For example, after asking a twenty-something blonde defendant if she could afford a lawyer, the defendant paused.

Judge Black responded, “If you have to pause, you can’t afford one.” In this case, the woman nodded in agreement, was handed a form to fill out, and shuffled to the side of the courtroom. In another interaction, Judge Donovan snapped, “Don’t show me those documents like you are in charge of this room” to a lanky male defendant in a Harley Davidson t-shirt who was explaining why he did not show up for a previous court date. In response, the man stopped talking, slouched slightly, and pulled back from handing the judge his documents. And finally during an arraignment interaction, Judge Yorker told an average height and build male defendant with stringy brown hair, “Don’t lean on the bench. This is not a bar, it is a courtroom,” to which the man quickly stood up and apologized with his head down and his hair slightly covering his face. As described previously, one organizational challenge of the municipal court is defendant confusion about courtroom processes. In the examples above, judges used quick and frustrated comments to communicate something about the courtroom process and defendants responded by following the judge’s instructions. Indeed, the emotional tone of anger/frustration helps judges maintain order through their demeanor and cue defendants into appropriate and inappropriate behavior.

Judges’ emotional responses to defendant excuses also served to enforce order in the court. For example, in an order-to-show cause hearing, I watched an interaction where the judge expressed an emotional tone of frustration in response to an excuse.

Judge Monroe asks the defendant, “Why aren’t you paying this?” The defendant looks down, “I don’t have a job.” The judge queries, “Have you

been looking?” And the defendant continues, “Yes, and there are no jobs out there.” The judge rolls her eyes, “Oh there are jobs out there.”

In this example, the judge expresses an emotional tone of frustration in response to a delinquent defendant. Judge Monroe seems to be verbally communicating to the defendant that his behavior is unacceptable. Additionally, Judge Monroe’s eye roll nonverbally communicates a sense of frustration. After Judge Monroe’s expressed frustration both verbally and nonverbally, the defendant stopped providing excuses for his behavior. Thus, one consequence of the emotional expression was resolving the case faster and maintaining order in the court by quashing the defendant’s repeated excuses.

Another example from my field notes at the Equitas court highlights how Judge Adam’s responded to a defendant who did not pay his fine on time.

Judge Adams questions, “Well what happened?” The defendant shrugs his shoulders, “I had applied for a pension and I am still waiting to hear.” The judge starts, “I don’t see that you came in...” The defendant interrupts, “I was hoping that...” The judge talks over the defendant, “Hoping, sir, is not communication. That is something going on in your mind.” The defendant looks down and mumbles, “I figured.”

As evidenced above, in response to Judge Adams’ interruptions (a communicative action that signals frustration), the defendant stops talking and interrupting the judge. In this way, the judge’s use of an emotional tone of frustration, while perhaps not intentional, serves to ultimately speed up the processing of the defendant’s case. If the judge would have let the interruptions continue, the

defendant may have spent more time in front of the judge and held up the other defendants. It is also important to note that this observation took place during the in-custody docket where defendants who have been arrested the night before are waiting to find out if they will be released or stay incarcerated. As I learned from Judge Darson during an interview, “It’s [the in-custody docket] really like kind of the cleanup crew and a lot of people have a lot more serious things going on. You can just kind of dispose of a lot of crap. It’s nice to conclude it.” Thus, judges feel a sense of urgency to “resolve it,” or process cases during these types of proceedings and maintain order because defendants have usually been incarcerated over night and are sometimes in a more agitated state than defendants in arraignments and hearings. Importantly, judges did not only respond to defendants with emotional comments or displays that were angry or frustrated. Some judges also expressed care and compassion in response to confused defendants, unique types of cases, and distressed victims—as I describe next.

Judge as Care Taker

Judges faced the challenge of working with many defendants who were confused about court processes. In response, judges employed an emotional role of care taker to help assist defendants. For example, I watched a judge offer advice to a man who seemed confused about how to plead to his charges. The man who was charged with theft and burglary in another case was pleading guilty to a driving with a suspended license charge. The judge consistently tried to persuade the defendant that he should not plead guilty to the lesser charge because it could impact his other case later on. The defendant was asking repetitive

questions, squinting his eyes, and furrowing his eyebrows—behaviors that the judge recognized as possibly meaning he was confused. Additionally, the judge related to the defendant by attempting to understand the confusion he might be feeling through an empathetic emotional tone. Finally, the judge (re)acted to the defendant’s situation by offering legal advice in a situation where doing so was not within his job characteristics. The judge recognized not only what the defendant spoke verbally but what was not being communicated—a key component of compassion (Way & Tracy, In Press). Furthermore, the judge related to the defendant by listening, identifying with, and making a connection to his problem. Finally, by (re)acting, or demonstrating action before feeling (Way & Tracy, In Press), the judge displayed compassion toward the defendant but also as a consequence helped the case process more efficiently by decreasing the defendant’s confusion.

Judges displayed compassion toward defendants not only about cases but also in regard to their personal issues. For example, an observation of Judge Yorker from my field notes reads:

A man with crutches hobbles up to the bench. Judge Yorker says, “So what is wrong?” The man replies, “I have traction in my back and have been in and out of the hospital.” The judge banter with the man about having a similar problem and then says, “I am going to continue this [the case] for 30 days because of your pain. If not, you could be here all day trying to get this resolved.”

Similar to the previous example, the judge recognized something unique about the defendant's situation, related to the defendant by describing a similar situation he had been through, and (re)acted by continuing the case (Way & Tracy, In Press). The judge engaged in care work by showing his desire and ability to be flexible. Additionally, the judge's expression of compassion and care even shifted other defendants' viewpoints about him. After observing the previous example I overheard two defendants, waiting to be seen, speaking in the row in front of me. One woman, referring to the judge, stated, "Nice man." And the other responded, "Yeah I thought he was going to be a jerk but not anymore." Thus, as a consequence of the expression of compassion and care, judges helped defendants before them and in the "audience" see their willingness to clear up any lack of defendant understanding.

Judges also demonstrated care through their responses to defendants' comments about their personal lives. During an observation of Judge Lewis, I watched her provide an extension on payment toward a female defendant who had just had a baby. Additionally, when faced with defendant comments about their family or life situations, Judge Lewis took the time to ask questions and respond with care. For example, I watched this interaction:

Judge Lewis asked a male defendant, "How are you doing?" The defendant begins to talk about his life, "It's been rough for me, my father is sick." Judge Lewis soothes, "How is he doing now?" The judge and defendant spent a few minutes discussing the health of his father before moving back to a discussion of his case.

As evidenced above, Judge Lewis spent extra time making concessions and engaging in conversations to offer care toward the defendant. Interestingly, the requirement to provide care and compassion does not fall within the judge job description; however, it was an emotion many of the judges did employ in court and it assisted judges with performing a degree of fairness toward defendants.

My field notes, observations, and interviews revealed a variety of interesting ways that judges served in the emotional roles of: a) tension relievers, b) order enforcers and 3) care takers. Humor was used to relieve tension when situations outside of the judges control (i.e., the number of people in the courtroom) created stress for defendants and/or courthouse employees and to either break up the seriousness or tedium of the courtroom environment. The expression of anger and/or frustration helped enforce order in situations when the judges wanted to avoid putting people in contempt of court, when they may have felt unsafe, or when defendants were offering excuses. Compassion and care were employed, often when the judges noticed a lack of understanding about courtroom processes or when the defendants otherwise expressed the need for empathy. While the judge's emotional roles in the courtroom are important, an emotional picture of municipal court is incomplete without an understanding of the emotional roles of municipal court bailiffs—an issue I turn to next.

The Emotional Roles of Bailiffs

The work of municipal court bailiffs includes numerous tasks and responsibilities. Primarily, they are expected to be present in the courtroom while the judge is reviewing and resolving cases. Once the judge has reviewed a file,

seen a defendant, and taken a plea, the defendant is asked to “step to the left”—meaning that they are essentially passed to the bailiff. At that time, the bailiff is expected to schedule the defendant for the next appearance in court (if necessary), provide appropriate paperwork, and give directions about any other final steps the defendant should take. Additionally, before the judge enters, while the judge is present, and after the judge leaves the courtroom, bailiffs are responsible for enforcing informal and formal courtroom rules. Thus, bailiffs use emotional expression to engage in their role as rule enforcers.

Bailiff as Rule Enforcer

The Equitas and Curia Municipal Courts have specific rules and procedures that they ask defendants to follow in the courtroom. Formal rules of each courthouse are listed outside the courtroom for the benefit of defendants and other visitors. Additionally, the bailiff usually reiterates the formal rules at the beginning of the day verbally in court. The formal rules of both courthouses include: 1) No talking when court is in session, 2) No food or drink, 3) Cell phones must be turned off, 4) All rise when the judge enters the courtroom, and 5) No hats. Most of the time it was the bailiff’s job to enforce these formal rules and emotional expressions of seriousness are usually used to enforce them. For example, in one field note observation I commented:

As I sit in the courtroom, I notice that the bailiff is watching everyone like a hawk. She has her glasses slid down to the tip of her nose. With every noise she looks up to see who created the sound.

Thus as my notes describe, the bailiff watches the behavior of the defendants and in doing so, helps ensure they are following the rules. In other words, the bailiffs express sternness or authority in regard to the importance and enforcement of rules. However, even though rule enforcement falls within the bailiff's emotional roles they do not have the ability to override or break the rules as judges sometimes do. For example, a defendant asked Bailiff Mary when it would be his turn to see the judge. Mary said that the judge "goes in the order that she wants,"—a comment that received a sneer from the defendant in response. And after explaining the rules of the courtroom to defendants, Bailiff Leslie quipped, "You would rather I tell you than the judge because he will definitely tell you." By this she was suggesting that her response would be less severe than the judges at an interpersonal level and possibly in terms of the consequences imposed. In being the messengers, both Mary and Leslie faced the brunt of the negative reaction to rule enforcement rather than the judge. The experiences of Mary and Leslie are important because they show the in-between nature of the bailiff role—they are unable to make formal decisions about defendants and rather serve as a buffer—dealing with negative emotional responses from judges *and* defendants. Bailiffs are also expected to enforce specific rules that are not formal. These rules are not visually listed in the courtroom and can vary from judge to judge. I learned about informal rules during my interviews with bailiffs when I asked them "Do the judges you work with include any other rules besides the ones listed?" For example, Bailiff Michelle told me about one judge's tendency to comment when women were dressed in revealing clothes—even though, besides hats, none

of the formal rules include restrictions on defendant attire. In response, Bailiff Michelle explained that she encouraged defendants that they should be dressed “appropriately”—yet she mentioned that the definition of appropriate depended on the judge she worked with.

I learned about the informal rules of the courtroom through observations. For example, when observing both Judge Suarez and Judge Berry on separate occasions I witnessed their comments about public displays of affection. Judge Suarez said, “Sir, please remove your arm from around the woman; this is not a drive-in theater” and Judge Berry similarly stated, “Keep your hands to yourself,” to a couple seated in the courtroom. Since I had already seen the established list of formal rules, I was curious about how the informal rules of judges impacted the work of bailiffs. Thus, I paid attention to other informal rules during observation. Over time, I noticed other informal rules. For example, in Judge Smith’s courtroom I witnessed defendants being asked to uncross their arms when standing before the judge. Judge Black asked defendants not to lean on the judicial bench and Judge Lewis requested that children wait outside with another related adult whenever this was possible.

While the type of informal rule is not necessarily important, each judge’s ability to create these rules highlights the flexibility and leeway bailiffs must incorporate into their emotional work depending on the judge they work with. In other words, the bailiffs only have the ability to enforce what the judge they are working with wants them to, serving simply to reinforce or counter-balance for what the judge communicates to the defendant. These small variations from

courtroom to courtroom illustrate how bailiffs must learn to be flexible and adaptive depending on the judge. These variations create challenges for bailiffs who may not work with the same judge all the time. Furthermore, bailiffs are often left to clean up the messes that judge's leave behind—an emotional role I discuss next.

Bailiff as Toxin Handler

The work of bailiffs includes emotional labor (Hochschild, 1983) and dirty work (Ashforth & Kreiner, 1999) due to the emotional roles required. Bailiffs are specifically faced with the emotional work of managing the negative and positive reactions of defendants who are feeling specific emotions created by the communication of the judge and/or the organizational challenges described previously, but not the bailiff specifically. For example, a field note excerpt illustrates:

As Louise [the bailiff] turns to leave, a defendant quickly approaches her and says, “We are supposed to talk to the prosecutor.” Louise responds, “Well, you will talk to the judge and he will tell you what to do.” The man looks frustrated and walks back to his seat. As he does, he mumbles, “I can tell they really are a lot of help here.”

In this example, Bailiff Louise must manage her emotions appropriately in response to this frustrated defendant who is venting toward her for a situation that is outside of her control. Louise and other bailiffs must remain caring and respectful during these interactions—serving as a buffer and as other research has suggested as toxin handlers, or individuals who manage organizational messes

(Frost, 2007; Frost & Robinson, 1999). Even though the defendant is upset about something that only the judge can control, Louise serves as a filter between the judge and the defendant absorbing the brunt of the emotional work. Meanwhile the judge is able to pass the stress of this emotional management to coworkers.

A longer example from an observation at Curia court illustrates a similar situation where the bailiff must “handle toxin” in an interaction between Bailiff Penelope and a defendant.

A woman is called and she asks to have her fine dismissed and the warrant quashed because she says she was in jail. The judge and the defendant banter back and forth and the judge eventually refuses to quash the woman’s warrant. The woman sighs, turns around, and stomps to her seat in the front row. As the judge goes to leave the courtroom he turns to the bailiff and says, “You may have to check on her [referencing her paperwork].” After he leaves, Penelope walks over to the woman and asks her for her paperwork. The woman sighs loudly and shakes her head in disagreement, “But these are different charges and have nothing to do with why I am here today.” Penelope sits down next to the defendant and states, “It doesn’t matter ma’am. The judge still needs the paperwork from your previous charges in order to make an informed decision. I understand this is confusing for you.”

Again, this example reveals the ways in which an emotional encounter between the judge and a defendant is ultimately dumped onto Penelope. The defendant who appeared frustrated and angry because of the way the judge treated her is

now lashing out at the bailiff. Penelope has no control over either the judge's behavior or the defendant's response leaving her to simply try to diffuse the reaction and remain calm in the face of an angry defendant. Indeed, one role of toxin handlers is to listen empathetically (Frost & Robinson, 1999), a behavior Penelope clearly demonstrated above.

Bailiffs also handle toxin by remaining calm and performing fairness toward confused defendants. For example, in an interview Bailiff Leslie explained a time when she was frustrated by a defendant who just "didn't get it" and she had to compensate for a lacking explanation by the judge.

I told him that he had already paid his fine and he did not owe any more money but he just didn't seem to understand. I think he was confused because when the judge spoke to him he was not being very clear. He asked me, "Do I need to make monthly payments?" I said, "Look at me. You do not need to pay any more money. You are done paying money." I think he finally got it after we went back and forth about ten times.

Bailiff Leslie describes this example which highlights the challenge of being an employee situated between the defendant and the judge. She is frustrated because the defendant does not understand and she blames his prior communication with the judge at least partially for this misunderstanding. However, Bailiff Leslie suppresses her emotional reactions, and instead simply helps the defendant make sense of his case quickly and efficiently. In this situation, the judge's communication left the defendant confused and Bailiff Leslie was left to clean up the mess.

Bailiffs also try to console or calm down the defendants when they are upset about a judge's decision. In another example, Bailiff Michelle must work as a disciplinarian toward a defendant who is misbehaving in regard to a decision from a judge.

As the defendant walked back to his seat, he secretly raised his middle finger, flipping off the judge, so that his friends seated in the "audience" could see him. His friends snickered and laughed. The defendant sat down and moved his right index finger across his throat in a slitting motion. Suddenly, Michelle noticed his behavior and glared at him, "That's enough. You know better than that."

Similar to the previous examples, Bailiff Michelle must manage the outburst of a defendant who is angry at the judge. The emotional management included disciplining the behavior and screening the defendant's emotional response to sanctions imposed by the judge. The work of bailiffs is uniquely challenging because they have to manage their own and other's emotions with little control over the decisions that cause such emotional reactions to begin with. Additionally, they bear the brunt of emotional outbursts in reaction to the judges' decision-making, engaging in work that is sometimes emotionally tainted (Rivera, 2010). In other words, the work is objectionable because it falls within socially tainted work of serving low status individuals. Not only do bailiffs have to enforce rules and handle organizational toxin, their work involves matching the judge's expectations for their behavior in the emotional role of "do gooder".

Bailiff as Do Gooder

Judges revealed their expectations for bailiffs' behavior in the courtroom in a number of ways and bailiffs strove to be "do gooders", or individuals who consistently met the demands of these expectations. For example, after telling a defendant to sit on the side and wait for his paperwork, Judge Nixon quipped, "Looks like John (the bailiff) is going really slow. Let's see if he can get you out sometime today." Later in an interview with Bailiff John he commented that, "I feel pressure to move people out at the same speed as the judge. When some judges move too fast, I can't always keep up." Thus, in this case Bailiff John feels as if he must keep up and move as fast as the judge expects him to or he could be publicly ridiculed. His emotional expression must match the expression of the judge and he must perform "doing good" in order to keep the cases moving.

Similarly, during several observations, I noticed that Judge Monroe often said, "Bailiff Tim will be happy to assist you now," which usually received a sigh or eye roll response from the bailiff himself. Yet, he still complied with the judge's request by smiling and assisting the defendant. In this case, Bailiff Tim expressed a sense of frustration that he should be happy to assist simply because the judge has claimed that he feels this way. Taken together, these observations reveal the work bailiffs must do to "keep up" and engage in the types of the behaviors that the judge actually describes about *their* work. In other words, the judge sets the tone for how the bailiff should behave through these comments and the bailiff must do good by matching that tone. As a consequence of these comments the judge dictates the speed that the courtroom workgroup moves and

also forms an initial impression of the bailiff and their work ability for the defendants. Furthermore, the judges' comments reinforce the bailiff as a person in a position of little power over the defendant.

Defendants observe this treatment and then frequently treat bailiffs with an emotional response that is a result of their treatment by the judge or is a response to a comment by the judge—frequently showing more disrespect toward bailiffs than toward judges. For example, judges would even jump back into conversations between bailiffs and defendants to stop disagreements.

Judge Major gets up to leave the courtroom. As she does, Bailiff Adam tries to explain to a defendant that he must be back in 30 days for his pre-trial conference. The defendant begins to try and convince Bailiff Adam otherwise asking, “Can I just come back in 40 days?” Bailiff Adam says, “No, the judge said it had to be 30.” The defendant shrugs, “It’s not that much difference.” Judge Major overhears this and says, “You will be back in 30, you are only coming from California,” and she walks out.

This example highlights the ways in which Bailiff Adam’s behavior was restricted by his inability to make formal decisions. In this case, Adam was unable to change the judge’s decision and instead only reinforce the response. Therefore, Judge Major chose to jump back in to stop the defendant from bantering with the bailiff, using her authority—almost like a parent would step into a child’s squabble—to stop the disagreement.

Bailiffs must also do good by displaying similar emotional feelings as the judge. Indeed, judges expect their bailiffs to engage in emotional work that aligns

with their own emotional displays. This is especially evident in judge comments such as, “I guess I was a little bit spoiled in my old division where bailiffs just kind of took care of that [enforcing the rules]” (Judge Costello), “They sometimes forget that they’re the bailiff and I’m the judge” (Judge Hocum), “If you don’t know what is going on, come talk to my bailiff” (Judge Harris). These comments reveal how judges deflect responsibility onto the bailiff when they do not want to deal with situations in the courtroom (i.e., enforcing the rules, dealing with difficult defendants). Also, the comments reveal that judges expect bailiffs to know what their job includes and do good by performing their work roles appropriately with little guidance from the judge. Similarly, in another example, Judge Major explained her disappointment in a bailiff who did not do the emotional work she expected, saying:

I have a very young bailiff, who does a really good job but there’s a maturity evolution still in process. When I am not there things are a little more “woohoo” than when I am in there, not because of anything he does but because he is probably less inclined [to enforce the rules].

These comments reveal that judges regard bailiffs as working effectively when they take care of disciplinary issues and emotional outbursts in the courtroom. In short, judges view the emotional messes they leave behind as a job that the bailiffs should “handle” for them evidenced in the comment from Judge Hocum, “You do your job and I’ll do my job.” The implications of this comment are that bailiffs must know and understand how to do good at their jobs even though the

roles, rules, and expectations can vary depending upon which judge they are working with.

Bailiffs are also expected to laugh at *both* defendants' and judges' jokes. Bailiff Tim explained that, "The judge I work with makes a lot of jokes, some that are inappropriate, and I feel like I should laugh even if I don't want to." Bailiff Mary said: "Defendants try to be funny. I had one say, 'thank you please come again,' when I was finished helping him (implying a customer service interaction)." I witnessed many interactions where bailiffs laughed at what I perceived to be inappropriate jokes by judges. For example, during a field observation Judge Yorker told a defendant to exit the courtroom go left and walk to the prosecutor's office. In response, the defendant exited the courtroom and walked to the right. The judge laughed and stated loudly, "He walked the wrong way," and in response, Bailiff Louise laughed as well. In this example and others, bailiffs' emotional work serves to help it appear as if the judge's behavior is "right" or acceptable. Bailiffs seemed to mirror or applaud judges' behavior even in cases where they might be making fun of defendants or acting inappropriately.

As described in the examples above, bailiffs serve as a) rule enforcers, b) toxin handlers and c) do gooders. The work of bailiffs is socially tainted not only because it involves regular contact with people who are stigmatized by society (e.g., defendants), but also because they must clean up the messes that the judges leave behind. They emotionally smooth over situations that are largely out of their control—helping them to deflect blame back onto the judge while simultaneously managing the emotional outbursts of defendants. Furthermore, the bailiffs have to

listen to defendants' problems calmly, suppress their own negative responses, and treat defendants with respect by doing good and meeting the expectations judges have for their behavior.

Within the emotional roles described above, bailiffs expressed and demonstrated two primary emotional displays/responses that I am calling: 1) complementary and 2) compensatory. The complementary emotional response occurred when bailiffs emotionally reinforced a similar positive or negative emotional display as the judges. For example, if a judge expressed anger, a bailiff could complement the judge's emotion by expressing a similar emotion such as anger or frustration or if a judge expressed humor the bailiff could complement by laughing or nonverbally expressing amusement. The compensatory emotional response, in contrast, involved the expression of emotion that counterbalanced or made up for the judge's negative emotional display. For example, a bailiff may express compassion or kindness to balance an angry expression by the judge.

The two emotional types of displays/responses by bailiffs imply that they must simultaneously manage their own emotions and help ease the emotions of the defendants as they communicate with one another. Interestingly, and what differentiates bailiff work from "double-faced emotion management", or managing of one's emotions in an attempt to manage others (Tracy & Tracy, 1998, p. 407), is that the emotional responses of bailiffs are expressed when they serve as *filters* or *screens* between the emotional expression of the defendants and the emotional expression of the judge. It is important to recognize the types of emotional responses bailiffs employ because they help to shed light on the way

emotion cycles through the courtroom among judges, bailiffs, and defendants—a phenomenon I explore in the next chapter.

Summary

In this chapter, I have highlighted the emotional roles of judges and bailiffs. I described three emotional roles of judges as tension relievers, order enforcers, and care takers. In addition, I examined the emotional work of bailiffs through their roles rule enforcers, toxin handlers, and do gooders. Furthermore, I provided and named two types of emotional displays/responses of bailiffs including complementary and compensatory. Along the way, I detailed how these emotional roles helped judges and bailiffs navigate organizational challenges. In the next chapter, I explore how these emotional roles interpersonally influence each other and the organization in emotion cycles that help and hinder organizing, sensegiving, and sensebreaking in municipal court.

Chapter 7

EMOTION CYCLES, SENSEGIVING, AND SENSEBREAKING IN THE MUNICIPAL COURTROOM

As described in the previous chapters, emotional expression in the courtroom by judges and bailiffs includes a range of different emotional roles employed in response to organizational challenges associated with emotion. In this chapter, I explore how the emotional roles of judges and bailiffs work together to cycle through the courtroom environment and cue defendants into appropriate and inappropriate behavior. Emotion cycles take the focus of emotional display away from a within-person view, and in contrast, center on the “reciprocal interpersonal influence of emotion” (Hareli & Rafaeli, 2008, p. 36). In other words, emotion cycles reveal how the emotional displays of one individual can influence and shape the emotion, attitudes, and thoughts of other people. On the other hand, sensegiving includes influencing the meaning-making or understanding of others to fill in gaps in understanding (Gioia & Chittipeddi, 1991) and sensebreaking involves the “destruction or breaking down of meaning” (Pratt, 2000, p. 464). The following chapter explores the questions, “How do emotional cycles facilitate sensegiving and sensebreaking in municipal court,” and “How do judges and bailiffs work together to create emotion cycles in municipal court?”

Sensegiving and Sensebreaking via Emotion Cycles

Through interviews, I learned that the judges engaged in specific communicative behaviors to have an impact on defendants. Judge Darson

explained, “You must absolutely not let the first defendant act out without checking them because defendants in that setting are like a room full of elementary children that take cues from each other.” In other words, here we see that Judge Darson believes that if she allows a defendant to act out and express rudeness without punishment, other defendants may assume that this type of communication with the judge is appropriate when it is not. This quote is significant because it reveals that judges are aware of the impact their communication has on *both* primary defendants, or defendants directly before them, and third party defendants, or those seated in the audience.

Judges also understand defendants can learn how to act by watching interactions before their actual turn and this affects their behavior in court. As I heard during an interview with Judge Major, “As a judge you get a secondary and a third awareness. I have to keep an eye on what’s happening over here [directly in front of her bench], and I have to keep an area of what’s going on out there [further away in the group of people in the audience]. So it’s sort of a whole awareness of in front of me, beside me, and beyond.” This comment suggests Judge Major’s work includes noticing, communicating with, and responding to primary *and* third party defendants.

During field note observations, I also watched judges behave in ways that suggested their potential awareness of the impact of their behavior on primary and third party defendants. For example, the following interaction between Judge Monroe and a defendant during an order-to-show cause hearing explains.

Judge Monroe calls up a defendant and says, “It looks like you made some payments and then stopped. Since this is a DUI you have to pay a minimum of 100 dollars cash. Why didn’t you see a judge for an extension?” The defendant shrugs, “I didn’t know I could,” The judge smiles, “But you do now?” The defendant nods, “Yes.” Judge Monroe states, “Because you have been listening.” The defendant nods his head in agreement.

In this example, Judge Monroe implies that because the defendant has “been listening,” and heard her communicate about extensions with previous defendants he should now be aware of this fact and use it in his future encounters with the court. Thus, Judge Monroe engages in similar and repetitive verbal communication with defendants and as a consequence helps them understand by explaining that extensions are available. The defendant came into the interaction unaware of his ability to get extensions. Judge Monroe breaks the sense of the primary defendant by dispelling the incorrect assumption that he cannot get an extension. Thus, the judge’s behavior breaks down the way the primary defendant is making sense through her verbal directions. Furthermore, her communication may break sense of third party defendants who are also unaware of their ability to get extensions until they hear Judge Monroe communicate about them. If Judge Monroe can communicate the information about extensions effectively, she can possibly decrease the number of people who come into court with warrants for not paying their fines. As I learned during an interview, she becomes frustrated when defendants frequently return to court.

In one specific case, Judge Monroe had seen a defendant who owed the court money and told him what he needed to do to resolve his problem. However, the defendant did not follow the judge's orders and was summoned to court again. Judge Monroe explained, "I told the guy, 'I saw you two months ago and I didn't make an impression?' I basically suggested that he already knew the drill and that I don't like it when people come in so many times." In this case, Judge Monroe described the cues she provides to defendants in court. She has learned from courtroom experience that when defendants who have been in her courtroom do not learn from her cues, there is a strong likelihood they will have to return to court—a behavior she is trying to discourage. Thus, to help defendants understand, Judge Monroe repeats directions the same way to each defendant—something I noticed during several different observations. For example, she repeated the same comment verbatim to different defendants, "You will return on the next court date and bring your 100 dollars cash. You can come anytime during the day to see a judge and it will probably be me." As I learned during her interview, she repeats directions because, "The more I say something the better likelihood that it will get through to someone." As the examples above explain, judges seem to be aware of their communicative influence on both primary and third party defendants.

The rest of this chapter explores how the cycles of emotion between judges and bailiffs give sense to and break sense of both primary and third party defendants. First, I detail emotion cycles that attempt to influence meaning-making of defendants through judge and bailiff sensegiving. Second, I explore

situations where the sensebreaking of defendants is enabled through emotion cycles.

Emotion Cycles to Sensegive

Judges and bailiffs filled in gaps in meaning, or gave sense, through communicating feelings of pride and compassion. Additionally, when defendants seemed confused about the rules and procedures of the court, their own cases, or courtroom behavior of judges and/or bailiffs, sensegiving occurred. Here is one example from my *Equitas* field notes:

A defendant's name is called and she walks up to the bench. Judge Suarez smiles, "Oh somebody with good news. You got your license back and you are smiling." To my surprise, the judge requests, "Let's all give a round of applause for the girl who got her license back." Everyone claps loudly for the girl, including the bailiff and the defendants in the audience. As the girl shuffles to her left with a sheepish smile, the bailiff, Louise, says, "Way to go," loud enough for everyone in the courtroom to hear.

In this example, the emotion cycle begins with the public display of praise by Judge Suarez—the organizational member who holds the highest position of coercive power, or the ability to punish (French & Raven, 1959). Judge Suarez expresses pride in such a way that the primary defendant is rewarded verbally and nonverbally but also the third party defendants watching witness this interaction and are asked to participate. Judge Suarez's communication also hints at what behaviors are valued in this organization (i.e., abiding by the laws) and his comments underline a value that when you obey the law, you get rewarded, both

materially and relationally. Per the request of Judge Suarez, the entire group of third party defendants and Bailiff Louise participate in the display of praise by clapping for the defendant, smiling, and cycling emotion throughout the courtroom back to the primary defendant. The defendant's response seems pleased, embarrassed, and slightly confused by the initial emotional display of the judge—unsure about what to make of the behavior. In response, Bailiff Louise mirrors the emotional display of the judge by providing a complementary emotional response—the verbal comment “way to go” that signifies praise. In this case, Bailiff Louise's emotional response to the defendant reinforces and complements the judge's emotional display—helping to clarify and give sense to the defendant that getting her license back is appropriate and positive. Thus, the primary defendant is cued that she will be publicly praised and rewarded for behavior that aligns with the organizational identity of appropriate moral conduct. The third party defendants watching are cued that receiving public praise from the judge results in praise from the bailiff and other defendants as well. Therefore, we can see how the judge's and bailiff's praise provides meaning about the nature of appropriate conduct and following rules in court when the judge asks individuals to engage in an unexpected behavior (i.e., clapping for the defendant).

Judges and bailiffs offered praise and encouragement when individuals acquired new driver's licenses but also when they communicated about getting their lives back on track. For example, an observation in Curia court revealed this emotion cycle:

A man is called forward to pay his fines on three cases. Judge Black says, “It looks like you have 560 dollars of penalty fees.” The defendant replies, “I was laid off from a company, but I got a new job and I get paid on the 5th. I could bring something like 200 dollars on that day.” The judge smiles and says, “Okay sounds good. It seems like you are getting your life back on track financially and that’s a good thing. If you step to the left Leslie (the bailiff) will help you.” As the defendant grins and walks to the left, Bailiff Leslie nods and smiles back at him.

In this case, the emotion cycle started with the praise by the judge and moved straight to the bailiff’s complementary expression of that praise through the nonverbal reinforcement of smiling. Unlike the previous example where defendants were asked to clap, the third party defendants were not specifically asked to provide praise. However, even though they were not asked to verbally express emotion that mirrored the judge, I noticed some of them leaning in with serious nonverbal displays. These nonverbal displays suggest that the third party defendants were listening and perhaps cued into the importance of physically paying the court on time—and given sense—through observation of the communication before them. Also, the judge praised the defendant for gaining employment and starting to acquire financial security—giving sense to the defendant about the importance of an American dream and appropriate moral conduct in relation to the court’s organizational identity. Emotion cycles were not only used in response to defendants who were getting back on track financially

but they were also employed when defendants avoided providing excuses—unexpected behaviors during order-to-show cause hearings.

Judges and bailiffs talked frequently in interviews about the large number of excuses that defendants provide on a daily basis. For example, Bailiff Jamie stated that she was “making a book of defendant excuses” and Judge Hocum said, “I play a little game with myself called the best excuse of the day.” In my own observations, I recognized that a frequent excuse, at least for failure to pay, was unemployment. Furthermore, I also noticed that judges heard many of the same excuses repetitively throughout their work days such as “I am unemployed” or “I never received the bill in the mail.” In the following example, a female defendant chooses to avoid using excuses—an unexpected behavior—and Judge Meyers employs an emotional display of praise in response.

Judge Meyers queries, “It looks like you have 2 separate cases. Why haven’t you paid?” The woman admits, “I have no excuse judge. I should have been here and now I am trying to be responsible and I have done my community service hours.” Judge Meyers’ eyes widen and eyebrows rise as he replies, “I’m impressed with you. I’m impressed that you did not try to make an excuse, so I am going to quash the warrant. We all should be impressed with you.” Bailiff Mary says with a smile, “I definitely am,” and the pleased defendant steps over to her.

The emotion cycle in this example again begins with the emotional display of praise by the judge toward the defendant. In this case, the judge actually allows the defendant’s warrant to be quashed because of her honesty and her lack of

excuses—something that is noteworthy and unexpected because I rarely witnessed judges quash outstanding warrants especially when the defendant had multiple charges. The emotion transferred from Judge Meyers to Bailiff Mary when the bailiff also expressed pride toward the defendant. Through this interaction, the judge gives sense to the primary defendant and the third party defendants watching that excuses are not necessary or appropriate in some cases. In other words, when the primary defendant engaged in an unexpected behavior (i.e., taking responsibility), the judge and bailiff used that moment to give sense about how this behavior would be rewarded and appreciated in court.

By watching interactions, the defendants can learn through judge emotional displays and emotional reinforcement from the bailiff that irrelevant excuses are not tolerated and accepting responsibility for one's actions may help secure a lesser punishment. Thus, being accountable serves as a moral behavior that aligns with larger ideals of justice and the court's organizational identity. Furthermore, defendant accountability is continually rewarded in the courtroom through emotional displays and in turn these emotion cycles enable the sensegiving of defendants to occur in response to unexpected situations.

Situations where defendants were confused by judge and bailiff behavior also occurred in the courtroom. During observation, I noticed the ways judges and bailiffs used emotional displays of compassion and as a consequence gave sense to defendants. For example, judges and bailiffs communicated compassion by taking extra time to make sure a defendant's case was being handled correctly.

A man with dark curly hair and blue jeans saunters up to the judge's bench after hearing his name read. He is charged with a zoning violation, which is a rare occurrence in this courtroom. Judge Warchol re-reads the file several times and appears stumped about what to do in regard to this man's case. She says something to Bailiff Penelope and they are chatting back and forth. Bailiff Penelope gets up and exits the back door of the courtroom. The judge tells the man to have a seat. The man's eyebrows raise and he meanders back to his chair. Noticing the defendant's perplexed gaze, the judge explains they are trying to find out if they can have the man talk to a special prosecutor who would be able to possibly help him resolve his case today. Bailiff Penelope re-enters the courtroom and Judge Warchol asks if she found out about the special prosecutor. She nods. The judge says with a hopeful tone, "Good that gives the guy a chance, you know what I mean?" Bailiff Penelope smiles and nods at the judge and the defendant.

The judge and bailiff work together in this example to demonstrate care and compassion toward the defendant. Rather than moving through the case quickly, the judge spends extra time helping this defendant through the search for a special prosecutor—someone trained to deal with zoning cases. The defendant appears confused by the unexpected behavior of the judge—perhaps because he has watched the interactions before him and no one else has been asked to sit on the side. The judge notices the defendant's confusion and gives him sense. She verbally reassures the defendant and explains that the request may result in the

resolution of his case. Through the conversation with the bailiff, we learn that the judge wants to give the defendant a chance to succeed.

Bailiff Penelope's behavior is complementary to the judge as she demonstrates, similar to the judge, her willingness to go above and beyond to help the man. The third party defendants watching this interaction have also seen the ways the judge can have a positive impact on their experiences in court. In this specific instance, the emotion of compassion was displayed by the judge toward the defendant, in response the defendant communicated confusion, and finally the bailiff communicated calmness and compassion toward the defendant. These quick emotional displays communicate to the defendant and also the audience in an efficient manner. This helps the judges and bailiffs to avoid extensive verbal communication in a situation where they are pressured at the macro level to move individuals through the system quickly but still treat defendants as "customers of the court".

The above examples depict judges and bailiffs giving sense to defendants in the courtroom. As described, sensegiving was enabled through the initial emotional displays of the judges and the emotional responses of the bailiffs. Furthermore, judges and bailiffs gave sense to defendants when unexpected behaviors and gaps in what those behaviors meant emerged during interaction. In contrast, the next section describes situations where defendants are making sense of courtroom situations incorrectly and in response judges and bailiffs must break down how they are making meaning.

Emotion Cycles to Sensebreak

Judges and bailiffs employed sensebreaking when defendants' behavior did not align with moral ideals of justice or courthouse expectations. Most often, the judges and bailiffs used emotion cycles that disciplined defendants in response to bad behavior. For example, Judge Yorker scolds a defendant for not having her child in a car seat.

A woman is having her judgment decided and the judge scolds, "Why were they [her children] not in a car seat? That is unacceptable. You don't want to kill or hurt your kids. Did you see the guy in here earlier? He was in a DUI going 10 miles per hour and his face was all scratched up. I am going to impose a 25 dollar fine because you need to be taught a lesson." The defendant looks with wide eyes at the judge, "I didn't know I had to." The judge continues scolding the woman when he finishes he says, "Okay Tammy might snarl at you a little bit for not having her in a car seat too. Just step to your left." Bailiff Tammy raises her eyebrows, smiles at the defendant, and nods as she steps over.

The judge in this example uses this defendant's mistake as a time to lecture her about the importance of using a car seat. The emotion cycle starts with an emotional display of frustration from the judge toward the primary defendant—who appears embarrassed and shocked but remains respectful—to the bailiff who expresses care and/or pleasantness and then back to the primary defendant. The primary defendant's sense is broken when the judge still punishes her despite her claim that she did not know she legally had to use a car seat. Interestingly, similar

to past research, Bailiff Tammy compensates for the judge's emotional display by smiling and counterbalancing the judge's stern expression in response to the defendant who has demonstrated embarrassment rather than defiance (Hareli & Rafaeli, 2008). Furthermore, the judge publicly scolds the defendant for not taking care of her children suggesting that her behavior is not moral or appropriate. And not only is the judge labeling bad behavior, he is breaking sense of the primary defendant and the larger group of observers about what appropriate mothering behavior should include. In this case, appropriate mothering behavior should align with the legal requirements of the court which includes keeping children in a car seat. Additionally, the third party defendants may have learned that if they demonstrate deference and embarrassment they will be rewarded by the bailiff.

Judges and bailiffs, in this sense, are doing far more than enforcing the laws. Rather, they are breaking sense of defendants in regard to their preconceived notions about what courtroom processes include and what behaviors are punished despite awareness of laws. As mentioned, first offenders often have little or no interaction with courtrooms except for television shows (i.e., Judge Judy) and therefore may think that providing any type of excuse could be beneficial to them. Thus, judges and bailiffs had to break sense through messages and emotional displays which implied that good citizens pay their fines, avoid being arrested, and show respect and deference in court. A good citizen follows the laws and rules of the system. During interviews, judges explained the challenges of instilling defendants with these messages. Judge Nixon stated,

“Everybody comes in with different levels of experience, different levels of caring, which has a lot to do with whether they understand what I am communicating with them or not.” Judge Donovan explained that many of the defendants are “really floundering through life and I tend to believe that most of them you could talk to them all day and they wouldn’t understand anyway.” These examples reveal that judges enter into communicative situations in court with preconceived notions about the defendants’ behaviors, their ability to understand the judge, and their desire and/or ability to fix their own problems. These preconceived notions impact the way defendants act in the courtroom and how they respond to the communication of judges and bailiffs. In response, judges and bailiffs break the sense of defendants about their behavior and attempt to help them understand how the courtroom process actually works. As a consequence of increasing defendant understanding, courthouse employees are able to also move through case files more efficiently.

For example, the observation below highlights the way Judge Berry demonstrates frustration which in turn breaks the sense of a defendant during an order-to-show cause hearing.

The defendant is called and Judge Berry asks, “Why didn’t you pay your fine?” The defendant explains that he is unemployed and he has three kids to take care of all by himself. The judge states that financial enforcement will not put him on a payment plan if he is not working. The defendant says he has no one to watch his kids because they are on summer break. Judge Berry, sighs loudly, and says, “That is not a good excuse. You are

ordered to pay 110 dollars. Talk to financial enforcement and the bailiff will call you in a minute.” The bailiff, Adam, rolls his eyes toward the defendant in such a way that the entire audience sees what is happening. In response, the defendant huffs loudly and saunters to his seat—waiting to be called.

The emotion cycle in this case begins when Judge Berry sighs loudly at the primary defendant communicating a sense of frustration. The judge also reprimands the primary defendant by suggesting his excuse is “not good enough” because the court has the option of a payment plan for individuals who are having financial difficulties. Thus, the defendant’s sense is broken in regard to how payment plans work and whether one will be available to him. Instead, he learns from the judge’s emotional display of frustration and public reprimand that excuses about unemployment are not acceptable in this setting—a fact that frustrates him as evidenced through his sulking back to his seat.

Third party defendants also might have their sense broken in regard to what type of excuse to use or whether to use one at all based on the interactions among judges, bailiffs, and other defendants before their turn. In the above example, the defendant is not provided a chance to respond and is rather subjected to a complementary emotional visual display of frustration from the bailiff when he rolls his eyes. Additionally, because Bailiff Adam rolled his eyes in such a way that the entire audience saw him, the behavior allowed the other defendants to also participate in the emotion cycle. Some defendants reinforced the bailiff’s expression with smirks or smiles of their own and others did not participate in the

cycle by ignoring the behavior. The emotion cycle broke the sense of the primary defendant by highlighting that his excuse would not be tolerated and his fines would not be reduced—correcting his perception that being unemployed would make a difference. The example also shows how third party observers can actively participate in the emotion cycles by offering emotional displays which reinforce or contradict the original emotional displays of the judge and bailiff and by serving as an appreciative audience for the primary defendant's huffs and sighs. Moreover, this example depicts how the bailiff can continue to complement, or match, the judge's emotional display when the primary defendant seems to be defiantly responding to the judge's emotional behavior.

Emotion cycles also helped to break the sense of primary and third party observers about courtroom consequences when defendants were arrested directly from the courtroom.

A woman steps forward and Judge Smith says, "You haven't served your one day. You are going to jail right now." The judge leaves the courtroom and the woman sits down and lays her head down with distress. About 15 minutes later, two uniformed officers walk in and ask the woman to remove her jewelry before they handcuff her. One of the officers looks out at the "audience" and says, glancing down to the cuffs, "This is why you always bring money to court people." He smirks at Bailiff Tim and they both laugh softly. Then, as the man who came in with the woman begins to walk out of the courtroom with the woman's belongings, he mumbles to everyone, "The judge is an asshole guys; be careful."

The frustration Judge Smith demonstrated toward the female defendant helps break her sense and that of other waiting defendants because it communicates that defendants who do not serve their time when they are ordered to do so will not get away with avoiding charges. Judge Smith's decision to have the defendant arrested directly from the courtroom also breaks the sense of the defendant about her identity as a defendant and what being a defendant means in this setting.

The emotion cycle continued when the officer and Bailiff Tim expressed humor in regard to the officer's joke about the situation. In this part of the cycle, the officer and Bailiff Tim shared a joke about the tendency for individuals who do not bring money to be arrested from the courtroom. The joke illustrated to the primary and third party defendants the importance of paying fines on time but also that there could be public embarrassment as a consequence for noncompliance. Interestingly, the primary defendant's friend also made a comment that may have influenced third party defendants' opinions about the relationship between the judge and the defendants. The "watch out" comment may similarly have broken the sense of defendants who believed that the judge, bailiff, and officers would do their best to assist them throughout the process instead communicating an us versus them mentality.

The above examples and interpretations presented a picture of emotion cycles that give sense and emotion cycles that break sense in municipal court. In the last section of this chapter, I extend these findings by discussing two specific types of emotion cycles in detail.

Two Types of Emotion Cycles

The examples and discussion presented above highlight the relationships among emotion cycles, sensegiving, and sensebreaking. Hareli and Rafaeli (2008) described emotion cycles as beginning with an agent who expresses the initial emotion. Other individuals in the cycle observe and interpret the emotion expressed by the agent. The findings of this chapter suggest that emotion cycles that give sense or break sense depend on the emotional expression of not only the primary agent (i.e., the judge) but also what I am calling the *intermediate agent* (i.e., the bailiff), and the responses of what I am calling the *primary recipient* (i.e., defendant before the judge). Additionally, I noticed two types of cycles—deferential and defiant (see Figures 1 and 2).

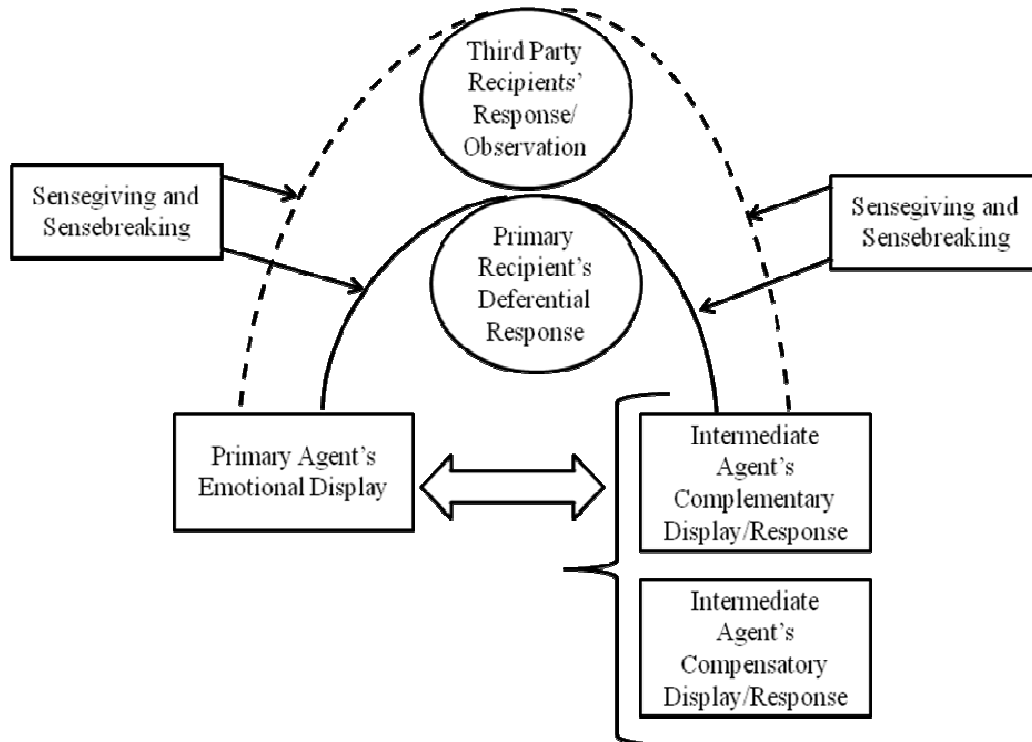


Figure 1. Deferential Emotion Cycle

In the *deferential* emotion cycle depicted above, the centrality of power resides with the primary agent—meaning that the primary agent (the judge) starts the cycle and has the coercive power to punish the primary recipient (the defendant) if his/her response is not appropriate. In this case, the primary recipient provides a deferential response and the intermediate agent (the bailiff) could respond to the primary recipient in one of two ways. The first way an intermediate agent could respond to the deferential behavior is with a complementary emotional display and/or response. For example, if the primary agent's emotional display is humorous a deferential response by the primary recipient could include laughing at the joke. The intermediate agent observes this interaction and *complements* with a happy or agreeable emotional display.

The second way an intermediate agent could respond to the deferential behavior is with a compensatory emotional display and/or response. For example, if the primary agent's emotional display includes anger, a deferential response by the primary recipient may include showing embarrassment and/or being quiet and respectful. The intermediate agent observes this interaction and *compensates* for the judge's anger through an emotional display of compassion or helpfulness.

As evidenced in the examples in this chapter, defendants did not always respond to the judges and/or bailiffs with deferential behavior. Instead, some defendants expressed confusion, anger, and frustration in the courtroom. The next type of emotion cycle I discuss explores what happened when defendants responded in defiant ways.

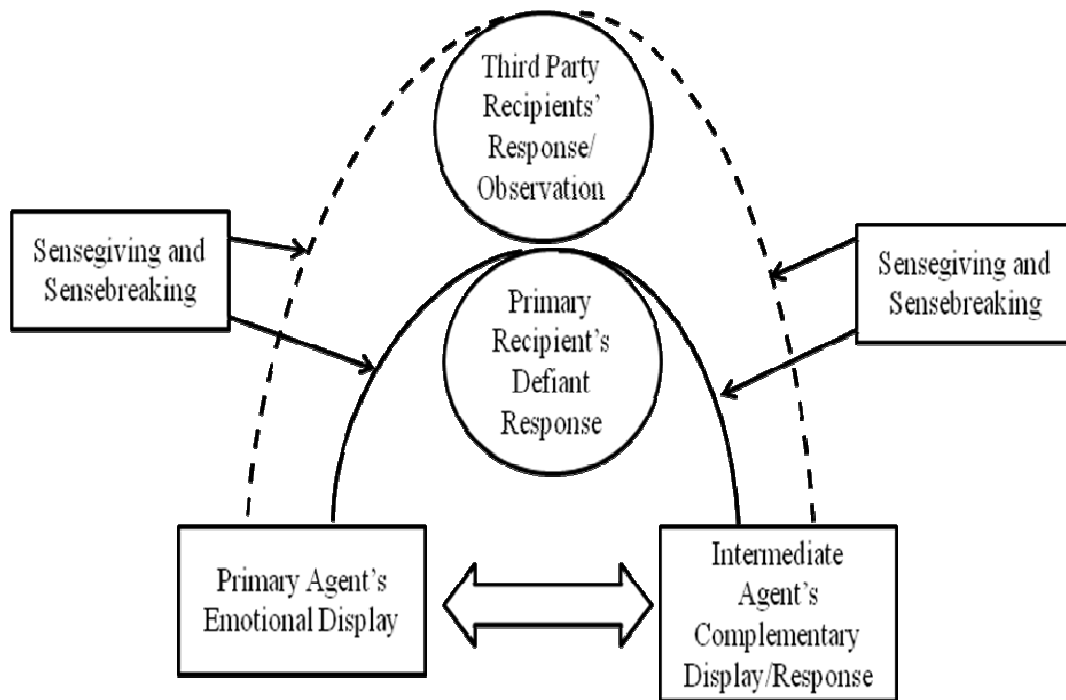


Figure 2. Defiant Emotion Cycle

Similar to the deferential emotion cycle, the *defiant* emotion cycle also starts with an emotional display from the primary agent. For example, the cycle starts when the primary agent displays anger or frustration toward the primary recipient. A defiant response from the primary recipient could include not appearing properly chagrined after being reprimanded or even responding with their own display of anger. In another situation, a cycle started with an emotional display of humor by the primary agent could receive a defiant response of not laughing at the joke from the primary recipient. In either case, my data suggests that in these cases, the intermediate agent observes the response of the primary agent and *complements* the primary agent's emotional display. Thus, the intermediate agent mirrors or matches the primary agent when the primary recipient responds defiantly.

Importantly, through the various emotional displays and responses, the primary and intermediate agents are able to cue primary recipients and also third party recipients into appropriate behavior and help them make meaning. As aforementioned, judges and bailiffs gave sense to defendants when an unexpected or confusing situation occurred in the courtroom. The unexpected situations manifested in regard to defendant's cases, defendant behavior, and judge and bailiff responses. On the other hand, judges and bailiff broke sense of defendants when their behavior or assumptions about courtroom processes needed to be corrected. For example, judges broke sense of defendants when they had incorrect assumptions about payment extensions, payment plans, making excuses, and following specific laws (i.e., seatbelt laws).

Sensegiving or sensebreaking occurs in both types of emotional cycle. In other words, sensegiving and sensebreaking—depicted with the solid and dashed lines in the figures—are occurring as emotion is cycling through the organizational setting. The sensegiving and sensebreaking of the primary recipients is depicted with the solid lines in the figures and the sensegiving and sensebreaking of the third party recipients is depicted with the dashed lines in the figures. The use of sensegiving or sensebreaking depends upon whether there is a gap in the defendant's understanding (in which case, the primary agent engages in sensegiving) or the defendant is making sense of a situation incorrectly (in which case the primary agent engages in sensebreaking). The primary and intermediate agents' emotional behavior helps break down the incorrect expectations of primary and third party recipients for how the courtroom works. Additionally, the

quick emotional displays of primary and intermediate agents give sense to primary recipients when situations that have unclear or multiple meanings arise.

Summary

This chapter explored emotion cycles in municipal court and examined how the expression of emotion by judges and bailiffs influenced organizing. I revealed that the use of emotion by judges and the emotional responses by bailiffs help give sense to and break sense of defendants about their own individual behavior and how this behavior aligns with appropriate moral behavior and the larger group identity of the municipal court. Lastly, I provided two visual displays of the emotional cycles in municipal court to highlight the importance of primary and intermediate agents and primary recipient responses in relationship to emotion cycles, sensegiving, and sensebreaking. In the next chapter, I reflect on the importance of these findings offering conclusions, theoretical and practical implications, and directions for future research.

Chapter 8

CONCLUSIONS, IMPLICATIONS, AND FUTURE RESEARCH

This qualitative analysis of municipal courtrooms offers a unique perspective on the interpersonal and organizational influence of emotion cycles in the work of judges and bailiffs. During my time in the field, I observed three distinctive organizational challenges associated with emotion that employees grappled with on a daily basis. The challenges included managing defendant confusion about courtroom processes, processing a large number of cases while treating defendants as customers, and dealing with the seriousness and tedium of the courtroom environment. These challenges created numerous questions. How do judges and bailiffs help defendants understand the process of court? How do judges and bailiffs perform emotional roles in ways that create feelings of fairness and “customer service”? How do judges and bailiffs respond to a serious and at the same time tedious courtroom environment? My analysis of the municipal courtroom attempted to illustrate how judges’ and bailiffs’ emotional expression throughout the legal process is necessary and how emotion cycles in the court can enable sensegiving and sensebreaking.

Summary of Dissertation

In summary, the formally espoused emotional expectations of employees in the court system are minimal. Judges and bailiffs are not trained to express any specific types of emotion and are given few directions regarding the impact of their verbal and nonverbal communication with defendants. Judges are expected to be neutral and fair. Similarly, bailiffs are provided with little guidance about

emotional expression and instead expected to focus on “moving people through the system” (Bailiff Tammy). While the organization does not officially describe emotional roles of the employees, the emotional expressions of judges and bailiffs serve to help manage organizational challenges.

In the sites studied, judges and bailiffs are faced with three specific challenges associated with emotion at a macro-level that influence micro-level interaction. First, defendants are often unfamiliar with the system and they come into court with misunderstandings about the courtroom process. In these situations, judges and bailiffs must find ways to communicate a great deal of information about the defendants’ cases *and* about how the organization works in short periods of time. A second challenge involves the macro-level mandate to treat defendants as “customers of the court” while simultaneously dealing with the high caseloads in arraignments and order-to-show cause hearings. Judges and bailiffs must treat lower status individuals (see Tracy, 2005) with respect and care in order to provide a service that in many cases the defendants are angry or upset about receiving in the first place. Third, the actual emotional tenor of the courtroom can be challenging to navigate on a daily basis because it is serious, formal, and routinized while also being tedious and boring. To reduce their own feelings of burnout and stress, judges and bailiffs dealt with the mood of the court and its influence on defendant emotional responses.

Judges talked about the need to remain neutral in court and stressed the importance of emotionless behavior. However, my observations and interviews also revealed how judges used emotional expression in response to the challenges

of daily work life. First, judges used humor to provide tension relief in the courtroom. The humor use was most often directed at something outside of the judge's control (e.g., crowded courtroom) and usually had the consequence of lightening the mood in an uncertain environment for defendants. Additionally, most judges were adamant that humor should be used sparingly and not in regard to the defendant's case. The judge's humor use appeared to ease tension when defendants lacked an understanding of courtroom processes. Furthermore, the use of humor allowed judges to help defendants relax during tense situations which may have instilled feelings of fair treatment and provided a break from the monotony of the courtroom for employees.

Second, judges engaged in the emotional role of order enforcer. To keep the courtroom functioning and processing cases, judges expressed frustration, sternness, authority, and even anger verbally and nonverbally. Judges avoided the last ditch option of putting defendants in contempt by first trying to control the situation through raising their voices, using nonverbal displays to regulate defendant communication, and asking defendants to "cool down." These behaviors were employed to manage the tension between maintaining order and treating defendants who frequently acted out as if they were customers of the court. Third, judges engaged in an emotional role of care takers. Since defendants are frequently confused about courtroom processes, judges took time to express care and concern by going above and beyond their job expectations. Judges hinted at legal advice when defendants were unsure about courtroom decisions. Furthermore, judges showed care and compassion for defendants' personal health

and family circumstances by acknowledging traumas and rescheduling court appointments.

Bailiffs also were given little direction about the emotional component of their work. Yet, their position as a buffer between judges and defendants shed light on the emotional roles they expressed on a daily basis. The first emotional role of bailiffs was rule enforcer. Bailiffs are expected to enforce formal and informal rules while the judge is present and absent in the courtroom. Thus, bailiffs help defendants learn about the process of court through constant reminders about what behaviors are appropriate and not appropriate and emotional displays of sternness. Bailiffs must communicate these rules in firm but fair tones to avoid perceptions of unfair treatment from defendants.

The second emotional role of bailiffs was toxin handlers. Bailiffs clean up the messes judges leave behind and manage upset or distressed defendant situations. Indeed, bailiffs listen empathetically to defendant issues, help reduce defendant confusion, and serve as filters that bear the brunt of negative emotional reactions by judges and defendants.

The third emotional role of bailiffs was do gooders. Judges expect bailiffs to perform certain emotional roles that match their own behavior. Thus, bailiffs felt pressure to “do good” and express a similar emotion as the judge even if they did not feel that emotion. For example, bailiffs discussed laughing at inappropriate jokes made by judges to meet the judge’s expectations and performing at similar processing speeds as judges during courtroom arraignments.

Last, I explored the emotion cycles of municipal courtrooms. The emotion cycles revealed the ways judges' and bailiffs' emotional displays and responses helped give sense to and break sense of defendants. Courthouse employees utilized the expression of pride, anger, frustration, and compassion, among others to cue defendants about the courtroom process, to reward or punish them for behavior that aligned with the courthouse identity, and to help them make sense of their cases and experiences in court. In chapter seven, I offered two visual displays which showed how emotion, sensegiving, and sensebreaking cycle among primary agents, intermediate agents, primary recipients, and third party recipients in the courtroom. Additionally, below I describe in more detail the theoretical extensions this dissertation provides to past research.

Theoretical Implications

This study of the emotional roles and emotion cycles of municipal court judges and bailiffs adds to the literature on emotion cycles, sensegiving and sensebreaking, and previous courtroom workgroup research. The investigation of the connections between emotion cycles, sensegiving, and sensebreaking highlights the importance of primary and intermediate agents in the cycle, the type of emotion expressed by intermediate agents, the influence of the primary recipient's response on intermediate agent behavior, and the ability to effectively start and manage the cycle. Furthermore, this study highlights how sensegiving and sensebreaking can be employed toward members who are visiting the organization (e.g., defendants) rather than employees to help them quickly make sense of their roles within organizational processes and how those roles fit in or

do not fit in with the larger organizational identity of the courthouse.

Theoretically, this study extends previous courtroom research by focusing on the legal process and the important roles of the judge and the bailiff—an occupation that has been overlooked in most past research.

Emotion Cycles

Emotion cycle research is gaining increased attention in organizational literature (Hareli & Rafaeli, 2008). Emotion cycle research offers a perspective that sheds light on the interpersonal influence of emotional expression and helps to expose how these cycles move emotion among individuals, dyads, and groups within organizations. This study takes previous research a step further by examining emotion cycles in situ to observe, name, and describe patterns of occurrence for specific types of emotional displays and/or responses of what I am calling *intermediate agents* and *primary recipients*.

The findings detailed that bailiffs, or intermediate agents, emotionally responded in one of two ways—by compensating or complementing. Complementary emotional responses involved mirroring and/or reinforcing the emotional display of the primary agent—in this case the judge. Compensatory emotional responses involved counterbalancing the primary agent's emotional display. The emotion cycles also highlighted two types of primary recipient responses—deferential and defiant. Deferential responses included behavior that was respectful, courteous, and polite toward the primary agent. Defiant responses included behavior that was insubordinate, noncompliant, and/or uncooperative toward the primary agent.

The findings also determined that the type of response intermediate agents employed depended on the response of the primary recipient. A complementary response was used when primary recipients responded in either defiant or deferential ways. For example, if the primary agent expressed anger and the primary recipient responded defiantly through disrespect, the intermediate agent could complement the primary agent's initial emotional display with a similar display of frustration. On the other hand, an intermediate agent could respond to the primary recipient's deferential behavior with a compensatory response as well. For example, if the primary agent expressed humor and the primary recipient laughed at the joke, the intermediate agent may complement the expression of the primary agent and express an agreeable response. Compensatory responses were used by intermediate agents when the defendant acted deferentially. If the primary agent expressed anger and the primary recipient responded deferentially—with embarrassment or confusion—the intermediate agent compensated for the primary agent's emotional display showing care or concern.

These findings related to intermediate agents and primary recipients are important extensions to past research for the reasons detailed below. First, the intermediate agent and its complementary or compensatory responses help portray a more detailed picture of the life cycle of emotion from beginning to end—showing how emotion itself can change as it is transferred and moves between organizational actors. For example, when a judge expresses anger or frustration,

then a defendant expresses embarrassment, and a bailiff responds with care or concern, the emotion actually shifts and changes as it moves in the courtroom.

Second, the inclusion of the intermediary agent reveals how the *interaction* between organizational actors actually assists third party observers with understanding the meaning of the emotion. For example, third party defendants who watch the judge and bailiff praise primary defendants for specific behaviors learn they may be rewarded for similar behavior. In other words, the third party defendant learns not just from the individual emotional expression of the judge, the primary defendant, or the bailiff, but through the entire interaction and the social construction of emotion.

Third, the intermediary agent serves as a filter and screen that helps give the recipients cues about *how* they should process the emotional expression of the primary agent and the meaning they could attribute to the emotion. For example, when judges reprimand or scold defendants, bailiffs complement the behavior if the defendant is being defiant and compensate for the behavior if the defendant is being deferential. Thus, the bailiff emotional response adds additional information to the environment and helping the defendant to recognize the appropriateness or inappropriateness of their behavior and in some cases reduce their confusion.

Fourth, the inclusion of the primary recipient responses helps shed light on the interplay between sensemaking and emotion. In other words, the intermediate agent watches both the emotional displays of the primary agent and the primary recipient and attributes meanings to each of their emotional displays. Then, the intermediate agent responds appropriately based on the effects—both intended

and unintended—of the primary agent’s behavior to help the primary recipient make sense of their situation.

Lastly, this study illustrated how emotion cycles cue observers into behaviors in court. Third party observers learned how to behave and communicate with the judge and bailiff by watching their interactions with other defendants. Judges expressed emotions in response to defendant behaviors and as a consequence these emotions communicated messages about the rules of the court, the processes of arraignments and hearings, and the appropriate conduct of a “good” defendant. Bailiffs complemented the judges’ emotional tones and helped defendants make sense of situations when the emotional behavior of the judge was appropriate. Also, bailiffs compensated for judge emotional displays that lacked clarity or left the defendant feeling confused or as if they were treated unfairly. The emotion cycles of the court provided a short-cut—a fast way for employees to give sense to and break sense of defendants who were confused about courtroom situations or held incorrect assumptions about how court works.

The extensions to the emotion cycles—especially in relation to intermediate agents and primary recipients—may also be relevant in other types of work besides courtrooms. For example, emergency room doctors may facilitate a similar type of situation where they work as the primary agent, the nurse works as an intermediary agent, the patient is the primary recipient, and the patient’s family constituting third party recipients. In these cases, doctors probably start the cycle and nurses complement or compensate for the emotional expression of the doctors when they are present and when they leave the room. Additionally, in the

work of teachers and professors, emotion cycles may help facilitate sensegiving and sensebreaking for the student being disciplined and also the students watching in the classroom. Furthermore, business meetings may be another setting where the work of CEOs and other executives falls into the roles of primary and intermediate agents with the other organizational members serving as primary and third party recipients. In the family setting, two parents who differentially discipline their children may fall into the roles of primary and intermediate agent—with one compensating for the over punishment of another toward their children.

The extensions to emotion cycle literature may also help scholars understand specific issues and problems. For example, the findings about the role of intermediate agents could help these employees understand the importance and impact of their responses to primary recipient behavior. Primary recipients who are dissatisfied with primary agents may still leave the organization with a sense of satisfaction if they are treated fairly by intermediate agents. For example, it is important for primary and intermediate agents to understand how their roles can influence the perceptions of primary recipients. In addition, the extensions to past research on emotion cycles reveal the way intended emotions can have unintended effects on recipients. This finding demystifies why recipients could leave interactions feeling dissatisfied. Namely, the intermediate agent serves as someone who can double-check for the understanding level of the primary recipient—filling in gaps in meaning when there is confusion. Future research should continue to flesh out different patterns of responses from primary

recipients and intermediate agents in order to provide even more specific predictions about how emotion cycles influence organizational outcomes.

Sensegiving and Sensebreaking

Sensegiving and sensebreaking were introduced to the literature as extensions to previous research on sensemaking. Sensegiving was intended to highlight the leader's role in the sensemaking process by revealing how gaps in meaning are filled (Gioia & Chittipeddi, 1991). Additionally, sensebreaking illustrates how employees break down meanings of other employees (Pratt, 2000). Interestingly, my research adds to previous literature on sensegiving and sensebreaking in distinctive ways.

First, this study shows not only the cycle of emotion among judges, bailiffs, and defendants but also how sensegiving and sensebreaking moves among organizational actors. As the visuals depict (Figures 1, 2), sensegiving and sensebreaking by judges and bailiffs moved among judges, bailiffs, and primary defendants and also among judges, bailiffs, and third party defendants. Thus, the emotional displays during interactions influenced meaning-making at various levels (i.e., relational and group). This is important because it shows how the same emotional displays can impact observers differently. Additionally, the processes of sensegiving and sensebreaking are unique in this setting because they are not only coming from the organizational leader—in this case the judge—but from the emotional displays and responses of the judge and the bailiff. Thus, these findings illustrate how sensegiving and sensebreaking can be co-constructed between different types of employees.

Second, most of the research on sensegiving and sensebreaking has highlighted how employees use these processes to influence the behavior of other employees. However, in this study we learned that sensegiving and sensebreaking can help organizational members create and break down meaning of visitors to the organization. In other words, judges and bailiffs gave sense to and broke sense of defendants about the process of the court itself. The defendants were not members of the organization; however, they needed to participate in organizational processes. Thus, the judges and bailiffs were not communicating who we are, but rather who the “court” is, and who “you [defendant]” are in relation to the court. Judges and bailiffs collectively communicated who they were in relation to defendants and also help defendants understand his or her own identity and role in the court process. It is important to understand that sensegiving and sensebreaking happen in customer service-type interactions because then employees can recognize and use their behaviors to influence the way customers make sense which could create higher profits, improved customer satisfaction, and a greater likelihood of returning to a company for service.

Third, this study highlights how sensegiving and sensebreaking can be used in fast paced organizational environments to influence meaning-making. Judges and bailiffs used emotional displays to immediately cue defendants into appropriate behavior when unexpected situations arose and to break down preconceived notions about how court works. Thus, this study illustrates how sensegiving and sensebreaking can serve as micro-level interactions that cue organizational visitors into macro-level meanings quickly and efficiently. Past

research on sensegiving has usually focused on the influence and ability of leaders to give sense during big organizational changes such as corporate spin-offs (Corley & Gioia, 2004). Also, research has shown that across contexts anticipation of gaps in sensemaking triggers sensegiving and enablers of sensegiving vary between leaders and stakeholders (Maitlis & Lawrence, 2007). My research also adds to this literature by showing how sensegiving and sensebreaking are enabled through the emotional displays of two groups of employees. Furthermore, my findings highlight how sensebreaking is triggered when organizational visitors hold incorrect assumptions about procedures of the organization.

Judge and Courtroom Workgroup Research

This qualitative exploration of municipal court has implications for understanding the process rather than the outcome of court interaction. Research on judges has primarily focused on sentencing (see Spohn, 2009 for review) and courtroom workgroup investigations have similarly centered on responses to law changes and sentencing outcomes (Ulmer, 2011). Additionally, municipal courtrooms provide defendants with the opportunity to complain and comment on judge behavior—ultimately impacting judges' jobs. Yet, there have been few studies that explore how emotional expression of courtroom employees can influence the behavior, responses, and experiences of defendants. In contrast, this study highlighted how judges and bailiffs respond to macro-level and micro-level challenges through their daily emotional communication and how this emotional communication influences the behavior of defendants. The outcomes of court

cases are essential to know and recognize; yet, they do not tell courtroom administrators the full story of *how* employees actually interact with defendants in the courtroom. It is important to understand the nuances of how employees and defendants interact in order to create and sustain defendant and employee satisfaction in the long run.

Most of the research on judges and other courtroom employees centers on trial courts or Superior courts. This study adds to an underdeveloped area of research—explorations of misdemeanor, or municipal, court. Studies of municipal court are important because most citizens' exposure to the court system, if any, is in this type of court. Interestingly, similar to past research I found that municipal courts are highly routinized (Lipetz, 1980). However, I extended previous research by demonstrating how employees use emotional communication to respond to the challenges of municipal court and how they work together to perform fairness towards defendants. Through sharing such findings in publicly accessible ways such as white papers, publications, and organizational summaries, this research might potentially demystify the *how* of courtroom organizing and illustrate important communicative behaviors that can decrease defendant confusion and complaints.

As described, research on bailiffs, especially municipal court bailiffs, is difficult to locate. Yet, this study shows that bailiffs play a crucial role in the daily process of organizing in municipal court. Bailiffs' emotional displays influence judges' and defendants' behavior. Furthermore, their ability to smooth over situations may have the unintended effect of creating fewer defendant complaints.

Thus, this study showed that bailiffs' intermediary roles are organizationally very important because it allows them to contribute the majority of guidance, support, and care when judges have left defendants confused. My findings demonstrated that bailiffs complemented and compensated for judges' behavior while also serving as intermediary agents in emotion cycles and buffers between judges and defendants. Future research could build upon this by exploring how bailiffs feel about being in this role and how their feelings impact workplace morale and motivation. For example, a study might explore how bailiffs talk about their roles and interactions with defendants to de-stress backstage when the judges and defendants are not present.

Other scholars have explored the ways employees can serve as buffers especially in the work of secretaries and paralegals (Lively, 2006). While there are some similarities between the work of these employees and bailiffs, there are also some interesting differences. Similar to paralegals, bailiffs are expected to "be professional" and defer to their "supervisors" (in this case, the judge). In both cases, the intermediaries may serve as gatekeepers to the other employees. For example, bailiffs in municipal court usually enter the courtroom before the judge and get defendants ready by announcing the rules. Thus, bailiffs serve as buffers before the interaction between the judge and defendant occurs.

Furthermore, as mentioned, the work of bailiffs in municipal court suggests their important position as toxin handlers. Frost and Robinson (1999) state that toxin handlers have five roles including: 1) listening empathetically, 2) suggesting solutions, 3) working behind the scenes to prevent pain, 4) carrying the

confidences of others, and 5) reframing difficult messages. It could certainly be argued that municipal court bailiffs must engage in most of these behaviors in their daily work lives and especially in their interactions with defendants, judges, and other bailiffs. One important difference though between Frost's (2007) toxin handlers and the bailiffs in this study is that bailiffs' handling of toxin occurs not behind the scenes but publicly and in front of others. In other words, Frost (2007) suggested that toxin handlers worked privately to prevent the pain of individuals while bailiffs most often deal with defendant and judge toxin in the middle of the courtroom as everyone watches—a factor that potentially enables and constrains how they can respond.

Another interesting difference, between bailiffs and intermediary toxin handlers is that bailiffs serve as gatekeepers who monitor the communication between judges and defendants both before the initial interaction and also immediately after. This requires that the bailiff engage not only in mirroring the judge, but in some cases, in compensating for the judge as well. Bailiffs communicate a sense of urgency and they deal and communicate with one defendant case on display in front of all the other defendants who have not been seen yet. In this sense, bailiffs serve as a “public secretary” who monitors the behavior of defendants and also monitors the communication between judge and defendant while simultaneously trying to move defendants through the system as quickly as possible. The ability to move defendants quickly through the system is one important consideration for contributions to practice—a discussion I turn to below.

Practical Implications

The courthouse is indeed an organization where emotions can and do assist with daily organizing. Yet, due to the legal and rational system it is built upon, there is still a stigma attached to suggesting that courtroom employees use emotion at all and that the expression of emotion could actually benefit the courthouse. The resistance seems to imply that an emotional judge or bailiff is irrational and is therefore not being fair and neutral. What this dissertation has revealed is that judges' and bailiffs' emotional expressions are often used to perform fairness and create defendant satisfaction. Judges who use humor to relieve tension can help put defendants at ease. Bailiffs who listen empathetically to confused defendants illustrate the processes of the court to be fair and help move them through the system. Thus, maintaining the illusion that the courtroom is *only* a rational place may actually provide a disservice to the organization. In other words, defendants and employees benefit from expressions of emotion in court. In contrast, pretending that emotions are not and should not be expressed downplays the ways they enhance organizational outcomes and defendant experiences. Municipal court judges are trained to follow the law and be rational but this dissertation further argues that judges and bailiffs should be trained about the appropriate and inappropriate uses of emotion in court.

Currently, judges and bailiffs have a large degree of variance in their emotional behavior. In other words, each judge and bailiff decides how much of a specific emotion they employ. Since the courts must move large numbers of defendants quickly, an emotional training program could help streamline

defendant experiences. For example, judges and bailiffs could be educated about which types of humor are appropriate in court and provided with examples of how to communicate compassion and care without being partial to a defendant. Defendants who have to watch interactions among judges, bailiffs, and other defendants before them may not perceive unfair treatment if the emotional behavior is more standardized.

For example, one of the largest mandates in municipal court is to process cases quickly. In other words, judges feel a pressure to close cases, or get guilty pleas, and decrease caseloads. If the organization is going to pressure employees to process cases, then it would be appropriate to also effectively train and teach strategies about *how* to close cases faster. As I witnessed and heard, judges read pleas in slightly different ways to increase their “processing speed”. For example, I observed one judge who read pleas to multiple defendants at once—rather than one at a time—to increase case processing. Therefore, judges would benefit from explanations of how processing speeds can be increased through specific strategies. For example, an announcement at the beginning of the court day about “what an arraignment is” may help some defendants from expecting to “tell their stories”.

Courtroom employees could also benefit from an awareness of how their emotional roles impact courtroom processes and defendant experiences. Judges and bailiffs could be told how certain displays of emotion can actually help defendants make sense of situations (i.e., compassion). If judges and bailiffs understand the importance of these displays, they may be more willing to learn

and incorporate them into their demeanors. Furthermore, this dissertation revealed that the influence and movement of emotion between judges and bailiffs is essential to the success of the emotion cycle. Therefore, it may be important that the same judges and bailiffs work together as much as possible so they can create synergy with their emotional displays.

Another practical implication, then, involves the challenge of constantly moving bailiffs from courtroom to courtroom. There does not appear to be an official reason why bailiffs are shuffled between courtrooms constantly except to provide them the variety of working in both arraignments and order-to-show cause hearings. However, it seems from observations and interviews that the variation in each of these court proceedings is not vast. The effectiveness of sensegiving and sensebreaking of defendants and employee morale may be enhanced if the same bailiffs and judges work together in larger blocks of time—rather than constantly adjusting to new coworkers. Since judges also have the ability to work in arraignments and order-to-show cause hearings, courthouse administrators may consider moving entire groups of employees from courtroom to courtroom rather than only the bailiffs.

This dissertation revealed the complexity of a serious, routinized, and tedious courtroom environment. Judges and bailiffs should be provided the time and space to dialogue about ways to address this challenge and other challenges of their work. As described above, if judges and bailiffs work in the same dyads for longer periods of time they may be able to establish stronger feelings of camaraderie and work task interdependence. Indeed, stronger work group ties

may encourage lower feelings of frustration and burnout about the job (Maslach, 1982). Additionally, the shared space of dialogue may help the judges and bailiffs collectively come up with solutions or strategies for coping with the monotony of arraignments or other challenges of their occupations.

Another practical implication is this dissertation's extension of what customer service means in professional work. Professional workers, such as judges, do not have the same types of relationships with defendants as customer service workers have with customers. This dissertation reveals that rather than "customer service", judges provide what I am calling *professional assistance*. A customer service interaction centers on a discourse of consumption and is based on the fact that the "customer is always right". In contrast, a *professional assistance* interaction involves providing help and guidance toward someone (e.g., a defendant) visiting an organization. In the courtroom, judges offer their professional assistance toward defendants in order to help them feel as if they are treated fairly and to process their cases efficiently. However, in the professional assistance interaction, the professional still has the "upper hand" to legitimately punish or reward the assisted individual if they do not understand—whereas typically, customer service clerks do not. Judges do not want repeat business; yet, they must still provide respectful assistance to defendants to avoid having complaints in the customer comment box. In this case, defendants might instead be called visitors or guests to highlight the respect they deserve from judges but also demonstrate that there is a desire to decrease future visits. Thus, this study has the ability to inform courthouse administrators about the problematic nature

of using the phrase “customers of the court”. Judges can be potentially offered the new metaphor of offering professional assistance as an alternative to customer service. Judges could also have the opportunity to dialogue with their superiors about their resistance to the customer service mandate and collectively brainstorm other alternatives.

One problem I witnessed and pointed out during observation has already begun to be remedied. As I described in chapter three, judges leave the courtroom when they no longer have files—leaving some defendants with the perception that their time is not important and also contributing to the tedious environment of court. When meeting with the presiding judge, I pointed this out. Apparently, I was not the only person who had recognized the implications of these leave-taking behaviors. Early in 2012, the courthouse started to move all the files to the courtroom for that day which has greatly decreased the number of times the judge leaves. I learned in an informal chat with one judge that the change in file placement has created an interesting phenomenon—judges are now complaining that they never get to take a break from the bench. While in some cases this could be resolved by taking a recess from court, judges have explained that they feel an even greater pressure to move through the cases faster when the files are placed next to them. Indeed, it appears that the practical issue of file movement is still something courthouse administrators will be dealing with in the future because in either situation, one party is unsatisfied.

Employees in municipal court face a specific kind of stress that differs from employees of Superior courts. Their stress comes from the daily grind of

engaging in repetitive behavior. Thus, employees may not admit they feel stressed, as most of the participants in this study did not, but the likelihood that they will become burned out is inevitable—especially if they are working in arraignments where the routine rarely changes. Employees should not be expected to be robots that must turn off their emotional responses to these repetitive situations and types of cases. Yet, they should be aware of the negative consequences of expressing emotion inappropriately. Instead, judges and bailiffs can discuss how they each deal with burnout together and potentially be offered opportunities to rotate between types of proceedings as a dyad—rather than only rotating the bailiffs.

To summarize, this dissertation offers several practical implications. These include highlighting the importance of emotion in the work of judges and bailiffs; streamlining the expression of emotion in interactions; reframing customer service work to professional assistance; creating a space for bailiffs and judges to talk about the challenges of their work; providing strategies for case processing; dealing with the movement of files; and being sensitive to employee well-being.

Future Research, Limitations, and Reflections

This dissertation study had several important findings and implications. However, similar to most studies, there were some aspects of the study that could be improved in future research. Perhaps the most important strength of this study is its in-depth qualitative examination of the legal process in municipal court. The work of judges and bailiffs was explored through their own voices and centered on their unique perspectives and experiences rather than on the outcomes of legal

decisions. This study attempted to explain how judges and bailiffs respond to organizational challenges through specific communicative practices such as emotional expression—adding to the underdeveloped literature on the influence of emotion cycles in the courtroom. Moreover, it was only through participant observation that I was able to witness emotion cycles in action—including the observation of nonverbal behavior—because interviews with any one group of employees would not have captured this phenomenon.

The reliance on qualitative data made the final report longer and denser than other studies of the courtroom; however, it provided rich detail of employee experiences. The combination of observation, informal interviews, and formal audio-recorded interviews allowed multiple perspectives to be highlighted. For example, macro-level mandates, such as treating defendants as customers of the court, were identified during interviews but responses to this mandate were determined through observation and interviews. In other words, the multiple types of data allowed for a complex picture of how the mandate impacted court proceedings. Additionally through member reflections (Tracy, Forthcoming), I was able to include my participants in the construction of findings. Judges and bailiffs helped me to clarify what I observed and heard in ways that made the final report richer and more detailed. My own reflexivity in the scene also helped me cue into how defendants may have been feeling because in many situations I sat and experienced how court felt from the point of view of an audience member.

In addition, this analysis employed qualitative data from two different members of the municipal courtroom workgroup. While there are other qualitative

studies of the courtroom workgroup (Ulmer, 1994), there are few that center on the municipal court. And since a majority of the public's courtroom experiences are at the municipal level, it is important to understand this setting more completely. In other words, this study offers a fresh perspective to the literature through its examination of a different courtroom setting and multiple courtroom occupations. The dissertation shows how two types of organizational actors—judges and bailiffs—work together to respond to organizational challenges and assist defendants' meaning-making through emotional displays and responses.

The original focus going into this study was to center on emotional deviance and emotional dissonance of judges in relation to sensegiving and sensebreaking. However, through observation I learned that the co-construction of emotion cycles among judges, bailiffs, and defendants provided a more significant picture of emotion's role in the courtroom. Most of my data related to emotion cycles, sensegiving, and sensebreaking is centered on observation. Thus, because my focus of study was largely grounded through the long term data collection process, I ended up in this final report relying less on first order interview data (Miles & Huberman, 1994) and more on observational data to discuss emotion cycles, sensegiving, and sensebreaking. Future research should continue to explore emotion cycles with a reliance on more first order interview data to examine participants' awareness about their emotional behavior. For example, future research could specifically ask participants to reflect on their intention in regard to influencing different groups of observers of their behavior. Moreover, asking participants if they attempt to shape the way observers make meaning or

if/how they break down the meaning observers prescribe to situations may reveal interesting findings.

Another area for future research is a study centered on the primary and third party recipients. In this study, I was able to include observations about primary and third party defendants because the courtroom is considered a public place. However, the actual opinions of recipients were not included because I did not have institutional review board approval to interview defendants. Future research on the impact of emotion cycles, sensegiving, and sensebreaking could benefit from the perspectives of recipients *and* agents. For example, third party recipients could be asked if they decided to avoid or engage in specific behavior based on the interactions they observed between primary agents and primary recipients. Furthermore, primary recipients could be asked why they employed deferential or defiant responses and if/how their decision was impacted by the emotional display of the primary or intermediate agent. For example, emergency room patients and family members could be interviewed about their decisions to either silently listen to doctor and nurse instructions or interject and argue on their own behalf.

This study found that primary and intermediate agents are important to the success of an emotion cycle—especially in situations that are ambiguous and uncertain for observers—such as when defendants arrive confused about who to talk to, what behaviors they should engage in, and what their next steps should be. Studies in the future should continue to explore the role of intermediate agents in other organizational settings where the interplay between emotion cycles,

sensegiving, and sensebreaking is present. Furthermore, the specific characteristics of compensatory and complementary emotion cycles could be explored and compared to other work groups to tease out further details of the two types of emotion cycles and to check for transferability (Tracy, 2010). Studies of classrooms to examine teachers, teaching assistants, and students may be fruitful to flesh out how emotional displays of discipline by the intermediate agent influence emotion cycles. Also, in classrooms, researchers might explore how the relationship between primary and intermediate agents impacts behavior. For example, do the teacher and teaching assistant get along and seem convivial toward each other or do they constantly engage in conflict (verbally or tacitly through nonverbal clash)? Additionally, corporate business meetings may provide a setting where additional roles besides the primary and intermediate agent can be explored. For example, meetings in which there is a hierarchy of employees in power positions may illuminate additional types of agents that influence recipients.

Most studies of sensebreaking have relied on interview data to recognize and describe when it is occurring in organizations. However, this dissertation used in situ observations to recognize when sensebreaking was happening. The ability to watch and record the defendants' nonverbal behavior was especially helpful for describing sensebreaking because it provided insight into how defendants were making meaning. Future studies should continue to explore the role of nonverbal communication in this process by describing what specific types of nonverbal behaviors and actions illustrate sensebreaking.

The data included in this study are unique because there are relatively few studies that have had the chance to actually interview judges and bailiffs. Yet, there is still more to learn about experiences in municipal court from the perspectives of the employees who work there every day. Future research could examine how bailiff and judge experiences influence each other in different types of courtrooms such as Superior courts. The data presented in this dissertation includes only one portion of the data I collected. In the future, I hope to continue exploring how judges navigate between following the laws in their private lives and enforcing the laws in their work lives. Additionally, I could examine the ways bailiffs handle toxin behind the scenes and how they cope with the stress of cleaning up messes that are left behind. Lastly, in future studies, I hope to examine courtrooms where more than one bailiff is present to extend research on the responsibilities of each courtroom workgroup member.

This research examined courtroom behavior in two types of municipal courthouses. Future research might consider comparing and contrasting the courtroom experiences of municipal court with Superior court. A comparative analysis could highlight the similarities and differences in the experiences of each type of courtroom workgroup. Through an analysis such as this, we may learn how emotional communication relates to sensegiving and sensebreaking in different ways when we add an additional organizational actor—a lawyer—to the emotional cycle. Similar to the bailiff, lawyers potentially serve as buffers between judges and defendants. Yet, it may be interesting to understand how the

lawyers' emotional responses are similar to and different from the bailiffs based upon their vested interest in the defendant's case.

This dissertation study reveals challenges associated with emotion that manifest at the micro and macro level in municipal courtrooms and illustrates how judges and bailiffs respond emotionally to these situations to give sense to and break sense of defendants. The findings highlight a complex process of emotional roles and emotion cycles impacting sensegiving and sensebreaking in court. My analysis further draws attention to the importance of considering intermediary organizational members, such as bailiffs, to understand the complete life cycle of emotion. Through an awareness of how emotion and rationality intersect in the courtroom, researchers learn how organizational actors and organizational visitors can make sense in ways that hinder and help day-to-day organizing.

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APPENDIX A
DESCRIPTIVE STATISTICS OF PARTICIPANTS

Total number of courtroom employees within scope of study	78
Extended observation and/or formal interview	45
Brief observation or informal interview	33
Organization	
Curia Employees	46
Equitas Employees	32
Type of job	
Judge... ..	27
Bailiff/Clerk	23
Other (e.g., lawyer, police officer, interpreter)	28
Sex	
Male	37
Female.....	41
Ethnicity	
White/Caucasian	38
Latino/a	34
Black/African American	5
Asian American	1

APPENDIX B

MUNICIPAL COURT JUDGE INTERVIEW GUIDE

A. Background and Work History

1. What would you like your pseudonym to be?

2. How long have you been working as a judge?

Probe: Have you worked at any other courthouses? If so, which ones?

Probe: What types of cases do you usually work with (criminal, civil, trial)?

Probe: How many defendants do you see on a typical day?

3. Why did you decide to become a judge?

B. Description of Daily Work Life

4. Now, can you take me through your typical work day step by step?

5. What aspects of your job do you enjoy the most?

Probe: Can you think of a specific example when you had a great day at work?

6. What aspects of your job do you find the least satisfying or challenging?

Probe: Can you think of a specific example when you had a bad day at work?

C. Judge Behavior, Identity, and Emotion Use

9. How does an ideal judge act, behave, and communicate in the courtroom?

10. Do you think it takes a certain kind of person to be a judge? If so, what would be some qualities of that person?

11. I've seen some judges get frustrated and angry with defendants during my observations. Can you think of a specific example of a time when a defendant frustrated you? What did you do?

12. Do you think humor is appropriate to use in the courtroom? I've also seen several judges use humor in their communication with defendants. Can you think of a specific example of a time when you used humor in the courtroom?

13. I have heard that you are expected to treat the defendants like "customers" at this courthouse. What does that mean? Do you think that judges should treat defendants like customers? Why or why not? If not, what would be the alternative?

14. Some of the judges I have spoken to have said that being a judge was not what they expected it to be. Would you agree? Why?

Probe: Some other judges have said that being a judge is an isolated or lonely job.

Would you agree with that? Why?

D. Power and Maintaining Order

15. What are the rules of conduct for the courtroom?

Probe: Do you have any special rules that you have added to the list? What are they?

Probe: Why did you add these rules?

16. How do you respond or communicate if a defendant is not following the rules?

Probe: Can you think of a specific example of a time when someone was breaking the rules? What did you do?

17. Have you ever met a judge that has robe-itis? How do they act, behave, and communicate in the courtroom?

18. Almost every judge I have interviewed has had a negative reaction towards Judge Judy. Why do you think this is?

E. Work-Life Wellness

19. How does your occupation as a judge impact your life outside of work? Can you think of a specific example?

20. Have you ever encountered defendants that came in front of you out in the community (i.e., at the grocery store)? Can you think of a specific example?

Probe: How does the possibility of those encounters impact the way you live your life on a daily basis?

21. Would you consider your job stressful? What is the most stressful part of your job?

Probe: What are some ways that you cope with the stress?

22. Do you ever get tired or burned out of being a judge? Can you think of a specific example?

23. How does the amount of stress (or just the job in general) you experience as a judge compare to any other occupation that you have had before?

F. Closing Questions

24. What advice would you give someone if they wanted to become a judge?

25. Is there anything that you wish people could know about being a judge that you haven't already told me?

APPENDIX C

MUNICIPAL COURT BAILIFF INTERVIEW GUIDE

A. Background and Work History

1. What would you like your pseudonym to be?

2. How long have you been working as a bailiff?

Probe: Have you worked at other courthouses? If so, which ones?

Probe: Have you worked in other positions in the courtroom?

Probe: What type of court do you work in (civil, criminal)?

3. Why did you decide to become a bailiff?

B. Description of Daily Work Life

4. What are the primary responsibilities of your job?

5. Now, can you take me through a typical day at work step by step?

6. What aspects of your job do you enjoy the most?

Probe: Can you think of a specific example when you had a great day at work?

7. What aspects of your job do you find the least satisfying or challenging?

Probe: Can you think of a specific example when you had a bad day at work?

C. Bailiff Identity and Emotion Use

9. How does an ideal bailiff communicate in the courtroom?

10. How does an ideal judge act, behave, and communicate in the courtroom?

11. I've seen some bailiffs get frustrated with defendants. Can you think of a specific example of a time when a defendant frustrated you? What did you do?

What did the judge and other staff members do?

12. I've seen some judges use humor in the courtroom. In what ways might humor be appropriate in the courtroom? When it is not so appropriate? Can you think of a specific example when you saw a judge employ humor? Can you think of a specific example when you used humor at work?

13. I've seen some bailiffs go out of their way to help defendants. Can you think of a specific example of when you went out of your way to help a defendant through a difficult situation? What did you do? How did you resolve their problem?

D. Courtroom Rules and Behavior

14. What are the rules of this courtroom?

15. What do you do if someone is not following the rules?

16. Have you ever heard of the term robe-itis? What does this look like? How did the judge act and communicate?

17. I've noticed that sometimes bailiffs and defendants don't get along. Can you tell me about a time when you have seen or experienced this? What happened? How was it resolved?

18. I've also noticed some disagreements between bailiffs in other courtrooms. How do you respond if there is a disagreement between you and other members of your work group? Can you tell me about a time when you saw or experienced a disagreement between courtroom staff? What happened? How was it resolved?

19. What would you describe as the “identity” or character of this courthouse? In other words, what are some of its defining characteristics?

E. Closing Questions

20. What advice would you give someone if they wanted to work in this division as a bailiff?

21. Is there anything that you wish people could know about being a bailiff that you haven't already told me?

APPENDIX D
FINAL CODEBOOK

Municipal Court Judges Codebook 1st level [descriptive] codes

Abbrev	Code/Node	Definition/Explanation	Examples (Hypothetical—not direct quotes)
Ideal Characteristics of a Judge	Characteristics of an “ideal” judge	Answer to question about how would an ideal judge behave, act, or communicate observations of judge behavior	Patient, emotionless, good listener
Humor Use	Humor used in the courtroom	Answer to question: Can you think of an example when you used humor in the courtroom? Observations of humor use	Jokes with defendants about raising the wrong hand when reading them their rights
Anger	Anger expressed in the courtroom	Answer to the question: Can you think of a specific example when you were angry or frustrated with defendants? Observations of verbal and nonverbal anger/frustration	When defendants do not have a sense of personal responsibility.
Use of power	Power use in the courtroom	Answer to question: How do you react if a defendant is not following the rules? Observations of behaviors that draw attention to power	I should be able to control the courtroom with a look, without saying anything.
Abuse of power	Power abuse in the courtroom	Answer to questions: How does a judge with robe-itis act in the courtroom? Observations of rudeness and power abuse	Yells at people, does not listen, is not fair
Media Use	Mention of Media	Answer to questions: How do you think judge television shows impact courtroom communication? Observations when defendants actually discuss media	People come in with the expectation that it is going to be like Judge Judy.
Stress	Stress	Answer to question: Would you consider your	Not as stressful as Superior Court. It’s

		job stressful? Observations when judges appear stressed out	like groundhog day in a good way.
Isolation	Isolation	Judges discussing how they feel separated or isolated from other organizational members.	This is kind of one-man, one riot sort of job.
Eco Crisis	Economic Crisis	Answer to questions: How has the economic crisis impacted your courthouse? Repeated observations of defendants with no money to pay fines.	More people come in expecting to get payment extensions or payment plans. Judges are more lenient during jury selection because they don't want people to miss work
Praise	Praise	Observations where judges and/or bailiffs give praise to defendants	"I can see that you are getting your life back on track and that is a good thing."
Comp	Compassion	Observations where judges and/or bailiffs notice and respond to defendant needs	"I believe it is important to give empathy and compassion to the victims" – Judge Ryne
Tedium	Tedium in the courtroom	Judges/bailiffs reflect on the routine nature of the courtroom. Observations of monotony of site.	"Did I go home last night? Or did I just have a short dream that I went home"
Uncert/A m	Uncertainty/Ambiguity in the courtroom	Observations where defendants appear unsure about the meaning of scene	Defendants repeatedly ask questions and keep telling their stories even when asked to stop by the judge.

Municipal Court Judges Codebook – 2nd level [analytic] codes

Abbrev	Code/Node	Definition/Explanation	Examples (Hypothetical—not direct quotes)
Emot. Dev			
	Strategic Deviance	Intentional uses of humor or anger	Humor is used as a tension reliever or to build camaraderie, anger used to control courtroom
	Unintended Deviance	Unintentional displays of humor, anger, sarcasm	Nonverbal communication, laughing at defendants
	Privileged Deviance	Judges deviate in ways that draw attention to their power either implicitly or explicitly.	As a judge “your jokes are always funnier.”
Emot control suppress			
	Gender Differences	Women must remain calmer.	Female judges seen as bitches if they express anger.
	Control as a Badge of Honor	Emotional control is viewed as a skill and a quality of an ideal judge.	Avoid putting people in contempt at all costs, should be able to control the courtroom with a look.
	Focus on Demeanor	Ability to remain neutral and professional	Must suppress your biases and prejudices from coming out verbally
	Private Life Spillover	Judges must live by ethical codes of conduct in their everyday life. They have the potential to run into defendants.	They avoid breaking laws, don’t tell people they are judges for their safety try to

			follow all traffic laws, don't reside in the cities they are judges.
	Intermed. emotion labor	Bailiffs work as buffers between judges and defendants	Bailiffs enforce rules and handle defendants' emotional outbursts after communication with judges.
	Emotional dissonance	Judges and bailiffs talk about suppressing mismatched emotion	Judge Major's example of running in her office shutting the door and screaming.
Coll. Emotion Cycles			
	Emotional Contagion	When an emotional display is mimicked.	Bailiffs mimic judges' displays of frustration toward defendants.
	Emotion Interpretation	Bailiffs/defendants perceive the emotion of the judge and respond with a complementary emotion.	If a judge expresses anger toward a defendant, that defendant might express embarrassment.
SM & Emotion			
	Sensegive via emotional display	Judges fill in defendants' gaps in understanding with emotional cues	Judges use tension relief humor to help defendants relax
	Sensebreak via emotional display	Judges break down a defendant's understanding with emotional cues	Judges use anger to show when a behavior is unacceptable

APPENDIX E
INSITUTIONAL REVIEW BOARD APPROVAL

To: Sarah Tracy
STAUF

From: Mark Roosa, Chair
Soc Beh IRB

Date: 02/20/2009

Committee Action: Exemption Granted

IRB Action Date: 02/20/2009

IRB Protocol #: 0902003710

Study Title: Emotion and Wellness in the Judicial
System

The above-referenced protocol is considered exempt after review by the Institutional Review Board pursuant to Federal regulations, 45 CFR Part 46.101(b)(2) .

This part of the federal regulations requires that the information be recorded by investigators in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects. It is necessary that the information obtained not be such that if disclosed outside the research, it could reasonably place the subjects at risk of criminal or civil liability, or be damaging to the subjects' financial standing, employability, or reputation.

You should retain a copy of this letter for your records.