

JOB SATISFACTION AMONG
COURT-APPOINTED
ATTORNEYS

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ABSTRACT

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SUPERVISING PROFESSOR; BETH SANDERS

The study of demographic and organizational factors affecting the job satisfaction of court-appointed attorneys was conducted in order to determine which of these factors had the strongest association with attorney job satisfaction. Three composite variables were used to measure satisfaction: job satisfaction, job dissatisfaction and burnout, and meaningfulness of work. Sex, age and length of tenure were not significantly correlated with any composite measure of satisfaction. Participation on the felony or misdemeanor

mental health list was significantly correlated with increased job satisfaction. The accessibility, predictability, consistency, equal treatment, and professionalism of judges and their staff had a moderately positive correlation with job satisfaction and a negative correlation with burnout. Therefore, organizational factors had a greater association with satisfaction than age, sex, and tenure. Meaningfulness of work was not significantly correlated with demographic or organizational factors.

CHAPTER I

INTRODUCTION

Indigent offender representation is crucial to the U.S. system of criminal justice. Since the Supreme Court's decisions in *Gideon v. Wainwright* (1963) and *Argersinger v. Hamlin* (1972), state and local governments have struggled with the sheer volume and expense of indigent representation.¹ In 1996, eighty-two percent of felony defendants in the seventy-five most populous United States counties were represented by publicly-financed counsel (United States Department of Justice [U.S. DOJ], 2000a). In that year, indigent criminal defense programs in the largest 100 counties received an estimated 3.36 million criminal cases (primarily felony cases at the trial level) with a cost of \$1.2 billion (U.S. DOJ, 2000b).²

These statistics, based on the National Survey of Indigent Defense Systems conducted in 1999-2000 by the Bureau of Justice Statistics, indicated that substantial problems in the financing and management of indigent representation existed more than thirty years' post- *Gideon*. Subsequently, Texas re-examined its indigent offender representation policy resulting in the passage of the Fair Defense Act (FDA) in 2001.³ This act sought to standardize and improve the efficiency and effectiveness of indigent defense. Improving indigent offender representation has been costly for Texas. In 2011, the total cost for court and administrative expenses related to indigent defense in

Texas was over 198 million dollars. This amount was necessary to provide services in more than 471,000 cases (Texas Indigent Defense Commission, 2011).

The underlying problems of indigent defense as well as the changes made to improve indigent offender representation may impact defense counsel and their satisfaction with work. Increased job satisfaction among court-appointed attorneys may result in increased effectiveness and efficiency. The current cost of adequate representation for indigent offenders is high. Therefore, research that may result in greater efficiency and lower costs for indigent representation is important.

The current research investigates demographic and environmental factors and their correlation with job satisfaction among assigned counsel in Travis County, Texas, ten years after the passage of the Fair Defense Act of 2001. In addition to studying the association of such variables as age, sex, and length of service on job satisfaction, this study examines participation on the mental health list. Lastly, the association between job satisfaction and assigned counsel's perception of fair, equal, and professional treatment by the court and other courthouse actors will be determined.

Few studies have investigated the impact of indigent representation on defense counsel. In other occupations, greater job satisfaction has been linked to better job performance and greater effectiveness (Petty, McGee & Cavender, 1984). Workers experiencing job satisfaction often exceed performance expectations (Ellickson & Logsdon, 2011). Therefore, determining factors associated with increased job satisfaction among criminal defense attorneys may impact the effectiveness and efficiency of the criminal justice process.

To better understand the extent to which this study regarding job satisfaction among court-appointed counsel may be comparable to other jurisdictions, Travis County's administration and delivery system for indigent representation will be described. In addition, several areas of job satisfaction research will be briefly described. These areas include a general introduction to job satisfaction research and the issues related to job satisfaction measurement, descriptions of the demographic and organizational factors to be evaluated in this study, and the methodology to be utilized in this study.

Travis County has an assigned counsel delivery method for indigent representation (for purposes of this paper, "assigned counsel" and "court-appointed attorney" are terms that may be used interchangeably). This delivery system, public defender offices, and contract firms or attorneys, are the three main types of delivery systems in the United States (Neubauer, 1999; Worden, 1991). The assigned counsel system or court-appointment system provides for appointment of private attorneys as counsel on a systematic or ad hoc basis (Texas Appleseed Fair Defense Project, 2000a; Worden, 1991). All three methods of indigent representation are used in Texas, and most counties use more than one system. For instance, Travis County has both a juvenile public defender's office as well as a mental health public defender's office in addition to its assigned counsel system for indigent offender representation.

In 1999, most counties in Texas used the ad hoc method for assigning counsel to indigent offenders. This appointment method gave the court the discretion to determine which attorneys would receive court appointments, regardless of attorney qualifications (Texas Appleseed Fair Defense Project, 2000a). In this same report, on the other hand,

Travis County's district and county courts were lauded for their establishment of a systematic attorney selection method for assigned counsel which helped to preserve defense counsel's independence from the judge and allowed for judicial supervision of attorney qualifications (Texas Appleseed Fair Defense Project, 2000a). This system required attorneys to choose the types of cases for which they would be appointed and to qualify for taking such cases. Essentially, the names of qualified attorneys were placed in a standard rotation system and attorneys were selected as counsel in cases based on the order that their names appeared on lists of qualified attorneys (Equal Justice Center, 2002). When an indigent defendant needed a court-appointed attorney, the court or the court's designee would appoint the next attorney on the list for that type and level of offense. Judges would have to be prepared to show "good cause" for deviations from the list (Texas Code Crim. Proc. Ann. Art 26.04, 2010). The FDA codified this type of system as one of three preferred options for selecting counsel. Subsequently, this report indicated that the FDA's standard rotation system had been incorporated in more than half of the counties reviewed (Equal Justice Center, 2002).

Since Texas has now mandated a uniform approach to the assigned counsel method of indigent offender representation modeled on Travis County's longstanding assigned counsel system, research concerning the determinants of job satisfaction among Travis County's assigned counsel may be informative in regards to other jurisdictions using a similar attorney selection process. Moreover, the systematic selection method for assigned counsel increases choice for the attorney and decreases discretionary and potentially arbitrary appointments on the part of the court. While the impact of attorney choice on job satisfaction was not directly investigated in this study, choice may have had

an impact on attorney job satisfaction as well as attorney longevity on the court appointment list. More importantly, for purposes of this study, processes which provide for systematic non-discretionary appointment of counsel and which preserve defense counsel's independence from the court may impact assigned counsel's perception of the fairness of treatment by the court. Therefore, these practices will be discussed later in this paper in reference to procedural justice and its association with job satisfaction.

Travis County's mental health court, a problem solving court, will also be considered in this study. For several years, Travis County has offered a mental health docket for both misdemeanors and felonies (Hohengarten, 2008). Although there are two currently assigned mental health public defenders, other attorneys have requested and been added to the court appointment list for this court. The relationship between participation on the mental health docket list and job satisfaction will be explored

Few studies have investigated the impact of indigent representation on defense counsel, however numerous studies of job satisfaction are available for other occupations (Saari & Judge, 2004). Research linking job satisfaction to better job performance and greater effectiveness is one reason for the plethora of studies on job satisfaction (Petty, et al., 1984). Other research indicates that workers experiencing job satisfaction often exceed performance expectations (Ellickson & Logsdon, 2011).

Most of the criminal justice research in the area of job satisfaction has involved police or corrections (Getahun, Simms, & Hummer, 2008; Lambert & Paoline, 2008; Zhao, Thurman & He, 1999; Buzawa, 1984). Some research has been conducted, albeit mostly through bar associations, on job satisfaction among attorneys (American Bar Association Young Lawyers Division [ABA YLD], 1991). A few researchers have

considered job satisfaction among criminal public defenders, and fewer still, have considered job satisfaction among private criminal defense attorneys (Weiss, 2005; Wice, 2005; Hall, 1989; McIntyre, 1987; Wice, 1978). However, no job satisfaction research has been conducted specifically among assigned counsel, the predominant delivery system for indigent offender representation in Texas, and one of the three main types of delivery systems nationwide.

To the extent possible, job satisfaction research on attorneys, especially criminal defense lawyers, will be provided. This research will be supplemented with studies of job satisfaction in other areas including police and corrections. However, innate differences between the criminal justice aspect of law enforcement work and the human services aspect of criminal defense work may result in differences in job satisfaction variables, effects, and outcomes. Moreover, the bureaucratic tendencies of police and correctional organizations may share more similarities with other more bureaucratic organizations such as private corporations or public defender offices, than with attorneys that are assigned cases through a rotation selection system. Regardless, criminal justice job satisfaction research may inform our understanding of job satisfaction among criminal defense attorneys to the extent that the underlying theories are based on generic factors basic to jobs in the field of criminal justice.

In addition to the specific type of worker investigated, job satisfaction research differs in three major areas relevant to the measurement of job satisfaction: the use of demographic, or organizational characteristics as independent variables, the use of a global variable for job satisfaction instead of a series of more specific variables, and the use of job satisfaction as an independent or dependent variable. Since trial courts may be

considered organizations, assigned counsel, although technically not part of an official organization as they are individually assigned cases and do not work for one specific organization, will be considered part of the courtroom workgroup for purposes of this paper (Clynch & Neubauer, 1981).

Studies generally use either a composite or faceted approach to the measurement of job satisfaction (Lambert, Hogan & Barton, 2002). The current study uses composite independent variables for job satisfaction, job dissatisfaction, and meaningfulness of work. The intent of measurement in this manner is to determine an attorney's overall satisfaction with his job and not satisfaction with one specific aspect of the job such as the amount of pay. Unlike the faceted approach which attempts to determine job satisfaction for individual components of work such as skill variety, task identity, task significance, autonomy and feedback, the current study uses multiple questions to arrive at a composite or global variable for job satisfaction (Lambert, et al., 2002; Quinn & Staines, 1979).

Although some studies have used job satisfaction as a dependent variable to predict worker actions such as increased job performance, or anticipated absenteeism, this research investigates job satisfaction as an outcome variable. Studies showing linkage between job satisfaction and particular outcomes only increase the necessity for more research regarding factors impacting job satisfaction.

Demographic factors investigated in this research study included sex, age, and length of service. These factors have often been considered in corrections and law enforcement job satisfaction research. Although women have traditionally achieved greater job satisfaction than men in industries emphasizing human services, little research

on the differences in job satisfaction between court-appointed male and female attorneys has been conducted (Hall, 1995). Age and length of service, in criminal justice and legal job satisfaction research, have also been linked to job satisfaction. Dissatisfied workers or those who did not find such work meaningful would be more likely to quit, leaving more satisfied workers on the job.

Understanding the association between demographic factors and job satisfaction may be helpful in predicting job satisfaction. However, understanding the association between organizational factors and job satisfaction may be helpful in predicting job satisfaction as well as providing needed information to change court processes in order to increase job satisfaction. More recent job satisfaction research has included, in addition to demographic factors, organizational level factors (Ercikti, Vito, Walsh, & Higgins, 2011; Lambert & Paoline, 2008).

An organizational environment reflects the character of its leadership, the workgroup constituency, and the subjective perceptions of individuals working in the particular environment (Griffin, 2001). Three factors regarding the organizational environment within which assigned counsel do their jobs and their correlation with job satisfaction were considered. These factors included participation on the specialized mental health list, perceptions of fair and equal treatment, and professionalism of the court and other courthouse workers.

First, assigned counsel's participation on a mental health docket list and its correlation with job satisfaction was investigated. The mental health docket, and the court appointed attorney list for this docket is relatively new. In 2007, Travis County created a stand-alone Mental Health Public Defender's Office (MHPD), the first one in the nation

(Texas Task Force on Indigent Defense, 2010). Currently, public defenders appear along with court-appointed attorneys who have been admitted to the mental health list (Texas Task Force on Indigent Defense, 2010). Participation on the mental health court-appointed list is limited to a small number of attorneys and attorneys are no longer able to be admitted to this list. The MHPD occasionally provides resources for court-appointed attorneys. The close ties among the professionals assisting mentally ill offenders may be predicted to increase job satisfaction among all involved in the process.

Therapeutic jurisprudence, a theory which has been advanced to explain the success of problem solving courts, may help to explain the relationship between attorney job satisfaction and participation on the mental health list (Winick, 2003). This theory contends that laws and the legal procedures through which laws are applied may therapeutically impact all actors involved in the legal process, including attorneys (Wexler & Winick, 1996). In addition, it has been suggested that therapeutic jurisprudence increases attorney job satisfaction (Winick, 1999). Further investigation is necessary in order to determine whether participation on a specialized list positively impacts job satisfaction. Criminal justice procedures that increase job satisfaction, even if initially not intended for that purpose, should be reinforced.

Second, assigned counsel's perception of the fair and equal treatment of defense attorneys by the court and court personnel may impact job satisfaction. Procedural justice, a theory concerned with the perception of fairness in decision-making, may help to explain the relationship between an attorney's perception of fair treatment and job satisfaction. Although the concept of procedural justice has been applied to a defendant's progress through the criminal justice system and to compensation for employees, it has

not been applied to assigned counsel and their role in the courthouse workgroup (Frazer, 2007; Okimoto & Tyler, 2007).

In addition to assigned counsel's perception of fairness and equal treatment, the perceived professionalism of prosecutors, judges, and court personnel may impact the job satisfaction of assigned counsel. Research concerning attorneys' perception of professionalism among judges and court staff, while included in court performance evaluations, has rarely been evaluated in terms of attorney job satisfaction (Ostrom & Hanson, 2010; Hall, 1989). Therefore, predictability, accessibility, consistency, and an overall feeling of professionalism will be evaluated in terms of its relationship with job satisfaction.

The methodology for this study included a pen and paper survey mailed to all criminal defense attorneys on the court-appointment list for Travis County. The total number of surveys mailed was 251. Four attorneys had no valid or forwarding address. Of the remaining 247 surveys, 91 were returned giving a response rate of 37%. Of the responses that were returned, 36 indicated their willingness to be interviewed.

This thesis will be composed of six chapters in addition to this introduction. Chapter II will provide a review of the literature regarding the defining and measuring of job satisfaction, job dissatisfaction and burnout, and meaningfulness of work. Research concerning the relationship between the demographic and organizational variables and job satisfaction will be examined. Chapter III will describe the hypotheses regarding the expected correlations between the demographic variables of sex, age, length of service, and job satisfaction as well as the organizational variables and job satisfaction. Organizational variables will include participation on the mental health list, and

perception of fair, equal and professional treatment. Chapter IV will explain the methodology of the study and include the operationalization of the independent and dependent variables. Chapter V will provide the results of the study while Chapter VI will provide discussion of these results.

Ultimately, if Travis County has procedures for indigent defender systems that positively impact attorney job satisfaction, these procedures should be reinforced. Greater job satisfaction may lead to better job performance. However, little research on the job satisfaction of court-appointed attorneys has been conducted. Therefore, it is important to determine the factors associated with increased job satisfaction among criminal defense attorneys which, in turn, may impact the effectiveness and efficiency of the criminal justice process.

CHAPTER II

LITERATURE REVIEW

Job Satisfaction

Job satisfaction is one of the most researched areas of industrial and organizational psychology. As of 1994, more than 12,000 research articles and dissertations in this area had been reported (Castillo & Cano, 2004, p. 65). Numerous studies have shown that humans may be affected by their interactions with the work environment. These interactions have been linked to mental or physical health, job performance, absenteeism and job turnover (Pousette & Hanse, 2002; Oshagbemi, 1999). Defining and measuring job satisfaction, however, can be problematic. In order to better understand job satisfaction as a construct, selected job satisfaction definitions, theories, and measurement issues will be discussed. One such issue that adds to the complexity of the discussion concerning job satisfaction is the interrelatedness between job satisfaction and motivation.

Both job satisfaction and motivation share similarities and are important to job design. Job satisfaction has been defined most often as an emotional response to work, while motivation has been defined in terms of attitudes that tend to encourage certain types of worker behavior. Both concepts include affective, cognitive, and behavioral

elements. In addition, models of job satisfaction may appear similar to models regarding motivation.

Although feelings, thoughts, and behavior may be important components of both motivation and job satisfaction, most definitions of job satisfaction include an affective element. Locke's affective definition of job satisfaction as "a pleasurable or positive emotional state resulting from the appraisal of one's job as achieving or facilitating the achievement of one's job values" is well-recognized in job satisfaction literature (Hall, 1989; Locke, 1968, p. 10). According to Locke, what one had in a job and what wanted in a job determined job satisfaction (Locke, 1968). The extent of the feelings caused by the difference between what an individual needed and got from a job was determined by the emphasis an individual placed on different facets of his job. Facets that were highly valued by a person, such as the availability of promotional opportunities, would increase job satisfaction if expectations were met, or decrease job satisfaction if expectations were not met. Facet evaluation was considered to be a highly individualized process.

Attitudes about work, however, may not be stable over time.

Lambert defined job satisfaction as "the degree to which a person likes his/her job" (Lambert, 2004, p. 210). Another affective definition of job satisfaction used job satisfaction, job attitudes, and morale interchangeably (Carroll, 1973). Lambert also suggested that job satisfaction was a response based upon a "comparison of actual outcomes with those that are expected, needed, wanted, desired, or perceived to be fair or just" (Lambert et al., 2002, p. 116). This definition added an element of cognition in terms of evaluating "fairness." Equity theory suggests that actual outcomes will appear to be just if an individual thinks he is being treated fairly in relation to the manner in

which other employees are being treated. Hence, job satisfaction is based on an individual's subjective beliefs regarding his relative treatment by an employer. Therefore, the social environment is important to the determination of job satisfaction.

In addition to studying the feelings and thoughts of workers, job satisfaction researchers study the characteristics of workers, their jobs, and the organizations where they perform their jobs (Getahun et al., 2008). Dispositional theory suggests that, regardless of one's job, the personal and psychological characteristics of the individual dispose that person to a particular level of job satisfaction. The individual characteristics of the person tend to create the same level of job satisfaction regardless of the job. These innate characteristics are presumed to be stable over time.

Another theory, developed to explain motivation also helped to provide an understanding of job satisfaction as it related to intrinsic and extrinsic factors. In the 1950s, Herzberg adapted Maslow's hierarchy of needs and developed a motivation-hygiene theory based upon the empirical data generated from workers' reporting of the high and low points of their jobs (Herzberg, 1966; Maslow, 1943). According to Herzberg, motivational factors were those factors intrinsic to the job such as responsibility recognition, and opportunities for achievement and growth. Motivational factors consisted, in part, of employee and employer behaviors. Hygiene factors such as pay, supervision, and interpersonal relations were extrinsic to the work performed and only prevented dissatisfaction. These hygiene factors, according to his theory, did not promote job satisfaction. A certain amount of these factors was necessary to attain a neutral state at which time motivation factors would become effective.

Prior to Herzberg, job satisfaction and job dissatisfaction were considered two

ends of the same spectrum. However, Herzberg's theory established a rigid dichotomy between intrinsic motivational factors which were assumed to cause job satisfaction and extrinsic hygiene factors which were assumed to cause job dissatisfaction (Herzberg, 1966). Although some later studies indicated factors causing job satisfaction were different from those causing job dissatisfaction, other studies indicated that job satisfaction and job dissatisfaction were correlated (Pallone, Rickard, & Hurley, 1970).

Lastly, Hackman and Oldham's Job Characteristics Model (JCM) attempted to systematically describe the relationship between job characteristics and individual responses to the work (Hackman & Oldham, 1976). Five job facets composed of skill variety, task identity, task significance, autonomy and feedback were seen to be influencing the three critical states of experienced meaningfulness, experienced responsibility for outcomes, and knowledge of actual results. These three critical states showed the interconnectedness in job satisfaction research of psychological, cognitive, and behavioral components. The critical state of knowledge of actual results requires that an individual learn that he has performed well on a test (cognitive). The critical state of experienced responsibility requires an individual to have actually performed the test (behavioral). The critical stage of experienced meaningfulness requires that the individual care about the test he has performed (psychological). In turn, the critical stages may influence motivation, job satisfaction, and absenteeism (Hackman & Oldham, 1976).

All of the above models deal with attitudes and psychological issues to some degree. In addition to the abstract nature of job satisfaction research which requires people to report how they feel about their work, researchers have not agreed upon a set

definition or theory for job satisfaction. These factors make it difficult to determine the best procedure for measuring job satisfaction.

After the discussion regarding measurement issues involved in job satisfaction research, the relationship between job satisfaction, job dissatisfaction, and burnout will be discussed. Next, issues concerning meaningfulness of work will be considered. Lastly, demographic and organizational factors and their correlation with job satisfaction will be addressed.

Job Satisfaction and Measurement

Methods for gaining information in job satisfaction research may include personal observation, interviews, and surveys. Most job satisfaction research, however, utilizes a survey instrument. Several job satisfaction questionnaires have been heavily cited and used by researchers. These questionnaires generally measure either overall job satisfaction or job facet satisfaction. Global job satisfaction refers to a worker's overall satisfaction with his job. Job facet satisfaction refers to specific job characteristics such as amount of pay, degree of autonomy, and availability of promotional opportunities.

Surveys using the faceted approach to measure job satisfaction include the Job Satisfaction Survey (JSS) developed by Spector (1985), the Job Descriptive Index (JDI) developed by Smith, Kendall and Hulin (1969), and the Job Diagnostic Survey (JDS) developed by Hackman and Oldham (1974). The JDS, however, has components of both facet and overall job satisfaction.

The faceted approach attempts to systematically define the relationships "between job characteristics and individual responses to the work" (Hackman & Oldham., 1976, p. 255). Studies, especially in the areas of motivation and job design, have often segmented

job satisfaction into several facets. An advantage to this approach is that specific work problems can be identified. The use of a faceted approach, however, assumes that all dimensions relevant to a worker's satisfaction have been measured. Leaving out an important variable might produce a biased measure of job satisfaction (Lambert et al., 2002). Work characteristics determined to be job facets may not be comparable from study to study. For instance, one survey may measure job characteristics such as skill variety, task identity, task significance, autonomy, and feed back while another study may measure promotional opportunities and pay (Glisson & Durick, 1988; Hackman & Oldham, 1976). Several of the best-known job facet satisfaction survey instruments are described below.

Separate facets of job satisfaction in the Job Satisfaction Survey (JSS) include pay, promotion, benefits, supervision, contingent rewards, operating procedures, coworkers, nature of work, and communication. Each facet is comprised of four items and all measures (36) are added together to form the total score. The four possible responses to each question on this instrument range from strongly disagree to strongly agree (Spector, 1985).

The Job Descriptive Index (JDI) was originally developed by Smith, Kendall and Hulin (Smith, Kendall & Hulin, 1969). This index assesses five facets of job satisfaction: work, pay, promotions, supervision, and coworkers. Ratings of job satisfaction are combined with facets to determine a composite measure of job satisfaction.

The Job Diagnostic Survey (JDS) was developed by Hackman and Oldham. This survey includes both global and specific measures of job satisfaction. The facet job satisfaction measures on this survey include supervision, coworkers, pay, and security.

The overall measure of job satisfaction includes internal work motivation, growth needs strength, and general satisfaction (Hackman & Oldham, 1974).

Although the use of a job facet satisfaction instrument tailored to a particular occupation may be more helpful in indicating potential areas for redesign, this type of instrument may be limited to one industry or occupation (Dantzker, 1994). Job facet satisfaction instruments tend to ask workers what they think about specific aspects of their work and not how they feel about their work in general. On the other hand, a global measure allows measurement of overall attitudes and satisfaction. It may be a composite or aggregate variable combining several factors into one variable measuring job satisfaction. In fact, most corrections research uses such a measurement (Lambert et al., 2002).

Another advantage to a measure that is general in nature is that it may be used to measure job satisfaction in a variety of occupations, unlike measures specific to one type of occupation. Survey instruments using a general composite variable for job satisfaction include the Hoppock Job Blank No. 5 and the 1977 Quality of Employment Survey (Quinn & Staines, 1979; Hoppock, 1935). Another example is the Maslach Burnout Inventory which uses a series of statements concerning feelings about work to create three variables regarding job satisfaction and burnout (Maslach, 1996).

On the other hand, a general measure of job satisfaction may end up masking specific instances of job dissatisfaction. For instance, a career satisfaction survey among young lawyers indicated that the majority of attorneys were overall somewhat satisfied with their current job and the practice of law. Despite being somewhat satisfied, sixty-five percent of the attorneys indicated they would consider changing jobs within two

years. When asked specific questions about job-related issues, many attorneys expressed dissatisfaction with particular aspects of their jobs (ABA YLD, 2000). These issues would not have been addressed in a global job satisfaction measure. The low reliability and the difficulty in determining the internal consistency of a single-item measure are two other problems related to use of a global measure for job satisfaction (Oshagbemi, 1999).

Other problems with single-question measures of overall job satisfaction include different threshold requirements for different types of job satisfaction measures and the increased defensiveness of workers when asked certain types of questions (Oshagbemi, 1999). For instance, a measure asking a person to specifically evaluate how satisfied that person was with his job would tend to produce a higher estimate of satisfied workers than would result from other questions regarding attitudes. Workers may also attempt to rationalize problems they have at work by overestimating job satisfaction. Lastly, absolute measures of job satisfaction may be much more difficult to determine than relative measures (Oshagbemi, 1999).

In addition to determining whether to use a global or specific variable, a researcher must determine whether job satisfaction will be used as an independent or dependent variable. Some studies attempt to predict job satisfaction and motivation as independent variables in order to consider changes in the design of work (Hackman & Oldham, 1976). Other studies have linked job satisfaction to better job performance (Ellickson & Logsdon, 2011; Petty et al., 1984). Most law and criminal justice literature relevant to job satisfaction among assigned counsel utilizes job satisfaction as a dependent variable (ABA YLD, 2000; Zhao et al, 1999; Hall, 1989; Buzawa, 1984).

However, studies using this concept as an explanatory variable simply underscore the importance of research regarding the causes of job satisfaction. Hence, an understanding of the independent variables to be correlated with job satisfaction is important.

To some extent, job satisfaction, job dissatisfaction, and burnout are related concepts. While burnout and job dissatisfaction may seem to overlap, burnout is generally considered a process that occurs over a long time period while negative attitudes towards work or feelings of job dissatisfaction may occur more immediately (Maslach & Jackson, 1981). Therefore, defining and measuring job satisfaction necessitates some discussion of job dissatisfaction and burnout. The value the worker places on his work may impact satisfaction considerations. Thus, meaningfulness of work will be the concluding topic for this section.

Job Dissatisfaction and Burnout

According to Herzberg (1966), job dissatisfaction is caused by certain hygiene or extrinsic factors (Herzberg, 1966). Others claim job dissatisfaction is due to the disparity between the expectations and the reality of the job (Sharma, Verma, Verma & Malhotra, 2010). If the job does not produce the results expected, dissatisfaction occurs regardless of whether the disparity is caused by intrinsic or extrinsic factors. Certain aspects of attorney work such as long hours, gender bias, and less time for self and family, may contribute to attorney dissatisfaction (ABA YLD, 2000).

While job dissatisfaction relates to worker attitudes, burnout and cynicism are processes produced by certain factors such as job stress, work overload, role conflict, and the nature of human relations work over a period of time. According to Maslach, the three main components of burnout include emotional exhaustion, depersonalization, and

feelings of a lack of personal accomplishment (Maslach & Jackson, 1981). Emotional exhaustion causes the worker to have little concern or sympathy for others. Prolonged exhaustion in attorneys, for instance, may cause “a psychological detachment from clients and a shift in the attorney’s attitudes toward the cynical or negative” (Maslach et al., 1978, p. 8). Job dissatisfaction, on the other hand, may include some, but not all, of these components and may do so over a shorter period of time. Although certain elements related to job dissatisfaction may lead to burnout over time, burnout may also lead to considerable job dissatisfaction. In addition to job dissatisfaction and burnout issues, the meaningfulness of work is another concept important to the understanding of job satisfaction.

Meaningfulness of Work

Job satisfaction has also been described as the extent to which a person is “gratified or fulfilled in his or her job” (Sharma et al., 2010, p. 349). Two studies of motivations among public defenders indicate the importance of meaningfulness of work. First, although Weiss distinguishes between pragmatic and political motivations for indigent defense work, factors from both of these motivations include a perception of the value of work (Weiss, 2005). One such factor is the “immediacy” or “raw” and “real” nature of criminal practice that relates to “what’s going on with people” (Weiss, 2005, p. 71-72). Political motivations for Weiss include a desire for justice and to help others (Weiss, 2005). In the second study involving public defenders, research indicated that lawyers had joined the public defender’s office in order to “gain experience and/or do social service” (McIntyre, 1987, p. 89).

Studies have shown that challenging jobs that require a variety of skills can enhance productivity and the satisfaction of workers (Oldham, Hackman & Pearce, 1976). Hall's research among public defenders indicated that, despite the negative aspects of their work, both men and women appeared to be satisfied with their work because they valued the meaningfulness of their work and the opportunity for personal enrichment from their jobs (Hall, 1995)

Hackman and Oldham (1976) describe experienced meaningfulness of work as one of three psychological states impacted by job characteristics in their Job Characteristics Model. This psychological state is defined as "the degree to which the individual experiences the job as one which is generally meaningful, valuable and worthwhile" and is composed of the following job characteristics: skill variety, task identity, and task significance (Hackman and Oldham, 1976, p. 256). Skill variety describes the extent to which a job requires different skills, talents, and activities to carry out the job. Task identity describes the extent to which "the job requires completion of a 'whole' and identifiable piece of work; that is, doing a job from beginning to end with a visible outcome" (Hackman and Oldham, 1976, p. 257). Task significance is the third component of meaningfulness of work. This component describes the extent to which the job has an important impact on the community. Many studies have identified the nature of the job and its meaningfulness to the community as the greatest predictor of overall job satisfaction (Judge & Klinger, 2007). Meaningfulness of work and the other psychological states are theorized to impact job outcomes.

While scores for job satisfaction, job dissatisfaction and burnout and meaningfulness may measure aspects of overall job satisfaction, other variables have

been investigated in terms of their correlation to job satisfaction. These determinants of job satisfaction may include demographic variables, work related variables, and organizational variables. Although most of the earlier studies concerning job satisfaction in law and criminal justice focused on demographic factors such as age, gender, and years of service, these factors were measured for many other types of occupations (Zhao et al., 1999). In addition to this earlier model, a second model of worker job satisfaction focused on intrinsic and extrinsic work-related variables. These variables might include measurements for “work, pay, coworkers, supervision, and promotion” (Getahun et al., 2008, p. 39). Later studies considered the impact of organizational factors on job satisfaction. These included concerns regarding the relationship between work atmosphere and job satisfaction (Griffin, 2001). The following sections will discuss research involving sex, age, and length of service. Subsequent to the discussion on demographic variables, organizational variables will be analyzed.

Job Satisfaction and Demographic Variables

Three significant demographic variables to investigate in regards to job satisfaction are sex, age, and length of service. As the number of women in law school increased, studies traced the differences in jobs and outlook post-law school graduation of both men and women. These studies also tracked the rate of attrition from the legal profession. Although demographic data for attorneys had been collected periodically for years, the first comprehensive survey regarding career satisfaction among attorneys, the National Survey of Career Satisfaction/Dissatisfaction, occurred in 1984 in response to numerous articles and readership surveys regarding severe dissatisfaction within the legal

profession (ABA YLD, 1991). One example of such an article was a 1978 article in the *Barrister*. Attorneys stated that one reason for the high turnover in legal services was that they were “burned out” (Maslach & Jackson, 1978, p. 8).

Subsequently, the American Bar Association (ABA) launched a massive investigation into the causes of career dissatisfaction among young attorneys. Investigators sought to determine reasons for disparities in job satisfaction. In addition, the ABA wanted to determine the causes of dissatisfaction among young attorneys that might lead these attorneys to leave the profession in order to aid in retaining these young lawyers in the profession. The variables for sex, age, and job tenure, important to lawyer career satisfaction as well as corrections and police research, will be discussed in the following paragraphs.

In addition to the issues regarding attrition, the ABA sought to uncover reasons for differences in dissatisfaction among male and female attorneys (Hirsch, 1985). Subsequently, the ABA collected a massive amount of empirical data from all legal disciplines regarding attorney satisfaction, however none of this data was collected pursuant to any underlying theory or presupposition. This collection of data for pragmatic reasons is symptomatic of most research concerning job satisfaction among lawyers (ABA YLD, 1991; Hirsch, 1985).

Sex

Lawyer satisfaction studies across many areas of legal practice show that men and women were generally satisfied with their decision to become a lawyer, but that there were differences in the sources of their satisfaction in their legal careers (Hagan & Kay, 2007). According to Hagan and Kay, “women enter firms at rates comparable to those

for men, but they are more likely to leave, and sooner, while they earn less and are less likely to become partners” (Hagan & Kay, 2007, p. 52). Research on job satisfaction among male and female attorneys has generated mixed results. While an American Bar Association (ABA) study found women less satisfied in their careers, other studies have found men and women to be equally satisfied with their legal careers (Heinz, Hull & Harter, 1999; Hirsch, 1985).

Hall’s research, specifically in the realm of criminal defense, indicated that both male and female public defenders were mainly satisfied with their work and exhibited similar career orientations and work values, either as the result of self-selection or socialization (Hall, 1995). Factors regarding promotional opportunities and workload explained more of the variance in job satisfaction among women while factors regarding prestige and peer support explained more of the variance in job satisfaction of men (Hall, 1995).

Although most studies involving several occupations have failed to find a consistent correlation between gender and job satisfaction, studies of specific jobs have indicated that women often are less satisfied when they are mostly in the minority, in professions dominated by gender-based stereotypes, were underutilized, or were treated differentially (Griffin, 2001; Buzawa, 1984). In a study among police officers, Poteyeva and Sun (2009), suggest that theoretical frameworks used to explain differences in attitude between male and female officers can be relegated into a “sameness” or “difference” approach. The sameness approach contends that the socialization process of the work tends to produce similar psychological characteristics and occupational behaviors on both men and women. The difference approach contends that gender helps

to shape occupational attitudes (Poteyeva & Sun, 2009). Research shows an inconsistent relationship between gender and job satisfaction (Smith, Smits and Hoy, 1998).

Age

Studies of lawyers, police, and correctional officers, along with studies in other disciplines, show a positive correlation between age and job satisfaction (Daicoff, 2006). For lawyers, the positive correlation between age and job satisfaction may be related to the likelihood of greater income for older attorneys. However the relationship between job satisfaction and increased income has been inconsistent. Although some studies have shown a link between attorneys with greater income and attorney job satisfaction, other studies have shown an association between attorneys with lesser income and job satisfaction (Daicoff, 2006; Heinz et al., 1999).

In a study of Chicago lawyers, no lawyer older than fifty-five expressed dissatisfaction (Heinz, et al., 1999). Reasons for the increased job satisfaction among older attorneys may include the likelihood that lawyers more advanced in their careers have better jobs with higher pay than younger workers, older lawyers may have adjusted expectations to the reality of legal practice, or self-selection over time may have allowed older attorneys to gain more favorable positions (Heinz et al., 1999). If the positive link between age and satisfaction is due to an increase in income or prestige, then this correlation may not be evident for assigned counsel since these attorneys do not necessarily gain better positions or more income as they age. Moreover, those attorneys who were unhappy with the practice of law may no longer be practicing.

The relationship between age and job satisfaction has been inconsistent in other occupations. Some studies in corrections have found no correlation between age and job

satisfaction (Van Voorhis, Cullen, Link & Wolfe, 1991). In the Lambert and Paoline study among corrections staff, job satisfaction increased as age increased. Age was the only demographic factor out of seven possible factors to vary with job satisfaction in a statistically significant manner (Lambert & Paoline, 2008). Another study among parole and probation officers indicated that job satisfaction increased with age, although the authors assumed that the increase in satisfaction might be related to the eligibility for retirement benefits for workers of a certain age (Getahun et al., 2008). Other studies have indicated a curvilinear relationship between age and job satisfaction.

Length of Service

Length of service has often been used as an independent variable in job satisfaction research. Although a study of young lawyers polled in 2000 indicated that sixty-five percent of these lawyers would consider switching jobs within two years, another study among Cook County public defenders found that fifty percent of these defenders remained in their offices for five years or more despite being advised to leave after two years (ABA YLD, 2000; McIntyre, 1987). Therefore, although the public defender survey was conducted several years earlier than the ABA survey, the length of service or job stability for these public defenders may be greater than for attorneys practicing in other areas (Weiss, 2005; McIntyre, 1987).

Studies in other occupations concerning length of service have been inconsistent. For police officers, the length of service associates negatively with job satisfaction (Zhao et al., 1999; Buzawa, 1984). Researchers argue that cynicism increases with years in service along with dissatisfaction with work (Buker & Dolu, 2010). On the other hand, loyalty and commitment may increase with seniority indicating an increase in job

satisfaction over time (Griffin, Dunbar & McGill, 1978) Other researchers have shown a curvilinear relationship between length of service and police cynicism indicating that level of cynicism or job dissatisfaction may tend to increase to a point, and then decrease over time (Hickman, Piquero & Piquero, 2004; Hochwarter, Ferris, Perrewé, Witt, & Kiewitz, 2001; Griffin et al., 1978) The relationship between length of service and job satisfaction among corrections officers and lawyers has been inconsistent.

Job Satisfaction and Organizational Variables

Social influences have shown significant ability to predict job satisfaction (ABA YLD, 1991; Hall, 1989). In fact, the social environment was determined to be the most important fact in accounting for overall job satisfaction of attorneys in 1990 (ABA YLD, 1991). Research among parole and probation officers suggests that the organizational climate of the organization was central to understanding the behavioral outcomes of employees (Getahun et al., 2008). Therefore, the work atmosphere of the courthouse, which involves an ongoing workgroup relationship and a mutual interdependence among attorneys, courts, and their staff, may impact job satisfaction among defense attorneys (Clynch & Neubauer, 1981).

Participation in a specialty court or docket, because it may increase the amount of interaction and mutual interdependence among courthouse actors and thereby increase the impact of social influences, may affect job satisfaction. Organizational factors used to better understand the social influences of the courthouse include participation on a specialized docket, and perceptions of equal treatment and professionalism regarding interactions between defense attorneys, judges, and court personnel. These factors will

be discussed individually in the following sections.

Specialized Docket

Defense attorney participation in a specialized docket may be one organizational factor that impacts job satisfaction. First, the idea of therapeutic justice, which provides a theoretical justification for problem solving courts such as mental health courts, suggests that the legal process can be therapeutic for all participants, including attorneys (Wexler & Winick, 2003). In addition, it has been suggested that therapeutic jurisprudence increases attorney job satisfaction (Winick, 1999). Despite this theory, no empirical evidence links therapeutic jurisprudence and attorney satisfaction. Daicoff attempted to provide empirical support for the idea that therapeutic jurisprudence promotes attorney satisfaction by linking attorney personality traits and job satisfaction (Daicoff, 1999). She suggested that therapeutic jurisprudence and preventive law movements might appeal particularly to those attorneys with atypical attorney psychological traits (Daicoff, 2008).

Second, specialty courts, beginning with drug courts, were established to resolve pragmatic issues in the criminal justice system. Although concerns regarding the recidivism of mentally ill offenders helped to facilitate the growth of therapeutic jurisprudence, this idea was applied to specialty courts after the fact (Odegaard, 2007; Winick, 2003). Little empirical research has been conducted concerning the link between attorney participation on a specialty docket list and attorney job satisfaction. One study, however, suggested that judicial satisfaction increased due to participation in a specialty court (Chase & Hora, 2009). Since the roles of judge and attorney are quite different in the courthouse workgroup, judicial satisfaction may not necessarily reflect a corresponding satisfaction among defense attorneys.

Third, the psychological attributes of the defense attorney, in combination with the problem solving court's emphasis on rehabilitation may impact job satisfaction. Similar to the after the-fact application of therapeutic jurisprudence theory to problem solving courts, other researchers have attempted to explain job satisfaction in the nontraditional court setting as an effect of individual attorney characteristics. Richard's research indicated a relationship between the personality characteristics of the lawyers and the type of legal practice that they chose (Richard, 2002). Daicoff suggests that law is a "healing profession"(Daicoff, 2006, p.1). Several law reform movements including therapeutic jurisprudence and problem-solving courts allow the expansion of the attorney role to include "doing good" (Daicoff, 2006, p.56). By expanding the role of the attorney to include a therapeutic orientation and allowing for a code of ethics to be central to the practice of law, attorney satisfaction may increase (Daicoff, 2006).

Other researchers have indicated that emotional stress due to a conflict between an attorney's role as advocate, and the attorney's desire to make the world a better place cause dissatisfaction (Mann, 2010; Clarke & Neuhard, 2004). Acknowledging the emotional attributes or the psychological factors involved in legal practice, especially through involvement in a law reform movement such as therapeutic jurisprudence, might alleviate this stress (Yakren, 2008; Bandes, 2006).

Last, participation in a specialized court may increase role ambiguity and role conflict which may negatively impact job satisfaction (Sharma, et al., 2010). Role ambiguity and conflict exist in traditional courts. However, the increased interactions between the court, court personnel and attorneys and the ambiguity of attorney roles in the nontraditional court process may increase role conflict. Essentially, the criminal

defense attorney may feel torn between his traditional role as a zealous advocate of his client's wishes, and his desire, in the problem solving court setting, to act in the "best interest" of his client (Ross, 1998). The role of the attorney may be reduced as "the defense lawyer is relegated to the role of team player, whose only purpose serves to fulfill a constitutional mandate" (Meekins, 2006, p.4).

Since mental health courts use a collaborative, non-adversarial approach, the nontraditional role of the indigent defender may impact attorney satisfaction. However, the differences between participation in a mental health court and participation in a mental health list may impact attorney satisfaction differently. The changing role of the indigent defender in a specialty court may positively or negatively impact the defender's job satisfaction.

Professionalism

The view of courts as organizations is predicated on the idea that the day-to-day running of courthouse business is dependent upon "shared decision- making among judges, prosecutors and defense attorneys" (Clynch & Neubauer, 1981, p. 69). Trial courts, therefore, might be viewed as informal workgroups. These workgroups are formed to facilitate the effective and efficient resolution of a substantial workload of cases. Characteristics of informal workgroups, according to Clynch and Neubauer, include a common professional bond and a need for continuing interaction and discretion in carrying out tasks (Clynch & Neubauer, 1981). This need for cooperation and overlap of responsibilities may be even more pronounced in a specialized docket such as the mental health docket.

Popular concepts of the criminal defense attorney as a zealous adversary of the

state contrast markedly with the reality of criminal defense work, hence the multitude of studies attempting to explain the plea negotiation process (Prakash, 2011; Neubauer, 1999; Emmelman 1996). Regardless of plea negotiation or trial, however, the ongoing interactions between attorneys, the court, and court personnel establish a climate that impacts job satisfaction. Hence, the defense attorney's perception of fair dealing and equal treatment by judges, prosecutors, and other court personnel with whom he has a continuing relationship affects job satisfaction.

Organizational justice, which is composed of distributive and procedural justice, has an impact on job satisfaction (Clay-Warner, Reynolds, & Roman, 2005). Justice may be defined as “processes and outcomes characterized by a belief that outcomes are deserved, entitlements are fulfilled, and outcomes and processes are morally acceptable” (Newman, 1993, p. 1489). Procedural justice, one of the most important principles in determining the professionalism of court and court personnel, concerns the perception of fairness regarding court procedures and outcomes (Ostrom & Hanson, 2010). Research has indicated that the manner in which problems are managed when dealing with the court has a greater impact on legal participants than the outcome itself (Tyler, 2008).

In research involving the 1997 National Employment Survey, procedural justice appeared to be a significant predictor of job satisfaction “even after controlling for a number of personal, job, and organizational characteristics” (Clay-Warner, et al., 2005, p. 406). It is the perception of justice and the process by which a decision is made, and not the decision that influences human behavior in this context. Procedures perceived as consistent and fair may lead to continued satisfaction and continued involvement in the organization (Newman, 1993). Just organizations appear to improve organizational

performance. Therefore, it is likely that procedural justice or the perception of fair treatment will increase job satisfaction. According to Tom Tyler, procedural justice provided beneficial experiences to the litigants and all people who worked within the court system (Tyler, 2008). Most research in the area of procedural justice concerns individuals, but the role of the group is an area that needs further investigation.

Interestingly, much of the research concerning professionalism and courts comes from performance assessments of courts. Studies show that court procedures that appear to be fair and understandable are assumed to increase trust in the court and satisfaction with the legal process (Ostrom & Hanson, 2010, p.14). Factors indicating procedural justice include “appropriate, timely, predictable, and complete case resolution” (Ostrom & Hanson, 2010, p. 31). Satisfaction with the legal process is presumed to increase job satisfaction among all participants, including attorneys. Chaotic courts and poor relationships between court and defense attorneys seemed to have a negative impact on job satisfaction among defense attorneys. Courtroom ambience, measured by variables for pleasantness and professionalism of courts and staff, was a significant predictor of emotional exhaustion, job satisfaction, depersonalization, and personal accomplishment in Hall’s research involving public defenders (Hall, 1989).

More than abusive clients or a high caseload, issues with the judiciary contributed to a higher frequency and intensity of stress levels among public defenders (Lynch, 1997). Judicial policies that “excessively punish those who exercise their trial rights” and “having to argue before judges who lack judicial impartiality” were extremely stressful to defense attorneys (Lynch, 1997, p. 30). In fact, it is “the perceived presence of judicial favoritism” that appears to be one of the most intense factors relating to job stress (Lynch,

1997, p. 30). Thus, the professionalism of the judiciary appears to contribute to job stress and dissatisfaction among attorneys.

In summary, this literature review explored prior research on job satisfaction as it might relate to court-appointed attorneys. Although some literature was available regarding job satisfaction among attorneys, the instruments used to measure job satisfaction among attorneys was often tailor-designed for that specific purpose. Other research on job satisfaction in the areas of police and corrections provided information regarding survey instruments that were more universal, and which had been empirically studied. In addition, there were some studies on the job satisfaction of public defenders (Hall 1995). However, no literature was available concerning the job satisfaction of court-appointed attorneys.

Many job satisfaction studies were set up to aid management in job redesign. These studies often used a job satisfaction instrument that focused on specific tasks of the job, instead of an instrument that measured overall satisfaction. Tailored job satisfaction instruments often were not applicable to occupations outside the scope of the original instrument. These surveys asked workers what they thought about specific aspects of their jobs. Other studies used an overall measurement for job satisfaction. These instruments were used in a variety of occupations and often asked workers how they felt about their jobs. However, the subjective nature of attempting to identify and categorize a worker's personal feelings of satisfaction was difficult.

Early job satisfaction research concentrated on identifying the association of job satisfaction, which was difficult to define and to measure, with factors that were much more easily defined and measured: sex, age, and length of service. Initially, age and

length of service seemed to be positively correlated for some occupations. Later, studies indicated that the relationships between these demographic variables and job satisfaction were inconsistent. Other studies indicated that the relationship might be curvilinear or nonlinear. In addition, sex, age, and length of service appeared to vary within and among occupations. Dispositional theory claimed that individuals, due to personal characteristics, were predisposed to attain certain levels of job satisfaction. However, later studies on job satisfaction moved away from personal characteristics and addressed the impact of environment and organizational factors on job satisfaction.

Research attempting to measure job satisfaction and social interaction or organizational variables required more sophisticated survey design and measurement. Two theories regarding the perception of fairness were examined: procedural justice and equity theory. Literature on procedural justice contends that perceptions of fair processes were more important in terms of litigant satisfaction than actual outcomes. While the equity theory was described in the literature, research specifically testing this theory and its relevance to job satisfaction was not readily available.

Although organizational justice or fair and consistent procedures appear to be more important than outcomes in determining litigants satisfaction with the court system, the impact of fair and consistent procedures on attorney job satisfaction has not been addressed. The manner in which the court and court staff interact with defense attorneys is an area of scant research, although at least one such study has indicated that the best predictor of attorney satisfaction is the treatment an attorney receives from a judge (Lynch, 1997).

Theories such as that of therapeutic jurisprudence emphasize the impact of

therapeutic jurisprudence on the litigants and judges involved in the litigation. Although the literature suggests therapeutic jurisprudence has an impact on the well-being of attorneys as well as litigants, little empirical research is available on this issue. Problem solving courts are also believed to affect the job satisfaction of lawyers, judges, and litigants, but little research is available to substantiate this belief. The nature of these courts causes attorneys to work closely together and to develop longer lasting relationships with other attorneys and court staff. In turn, these factors may have an impact on job satisfaction.

Earlier research suggested that demographic variables had a correlation with the job satisfaction of workers. However, the relationships between age, sex, length of service and job satisfaction has been inconsistent in the literature even though numerous studies have been conducted regarding these relationships. Initially, the current study will investigate the relationship between the job satisfaction of court-appointed attorneys and age, sex, and length of service in order to compare the current study to past studies utilizing these variables. Even though the literature is inconsistent in regards to the demographic variables, substantial literature does exist in the area. In addition, while measuring job satisfaction is a complex process, demographic factors are much easier to measure.

After demographic factors have been ascertained in the current study, organizational factors will be investigated. These factors to be measured are derived from theories of procedural justice, therapeutic jurisprudence, and problem solving courts. While these theories are assumed to impact attorney job satisfaction, no research is available in this area. Therefore, the current study is novel in at least two respects.

First, no studies of job satisfaction among court-appointed attorneys exist in the literature and this study will attempt to fill this gap. Second, although it has been suggested that procedural justice, problem solving courts, and therapeutic jurisprudence will increase attorney job satisfaction, no empirical data are available on this matter. Ultimately, this study is exploratory in nature.

CHAPTER III

HYPOTHESES

It is hypothesized that the aggregate variable for job satisfaction and the aggregate variable for meaningfulness of work will be strongly and positively correlated. Several studies have indicated that satisfaction with the nature of the work itself is the greatest predictor of overall job satisfaction (Judge & Klinger, 2007). Although job satisfaction and meaningfulness of work are composed of different measures in this study, it is predicted, therefore, that both of these measures will be positively correlated.

Next, it is hypothesized that both of these variables will be negatively correlated with the aggregate variable for job dissatisfaction and burnout. The job dissatisfaction variable is composed of measures distinct from the measures indicating job satisfaction or meaningfulness of work. Thus, the composition of the dissatisfaction variable is in line with Herzberg's theory distinguishing job satisfaction and job dissatisfaction (Herzberg, 1966). Although it is predicted that job satisfaction and job dissatisfaction will be negatively correlated, the composition of the dissatisfaction variable from factors distinct from the composition of both the meaningfulness of work variable and the job satisfaction variable allows this prediction to be tested (Pallone et al., 1970). In order to simplify statements concerning the hypothesized relationships between the dependent and independent variables, several assumptions will be made. In order to simplify statements concerning the hypothesized relationships between the dependent and independent

variables, several assumptions will be made. For purposes of this section only, overall job satisfaction will include job satisfaction, job dissatisfaction and burnout, and meaningfulness of work. First, it is assumed that these variables will be positively and negatively correlated with one another as stated above. Second, it is assumed that greater overall job satisfaction will be positively correlated with greater meaningfulness of work and greater job satisfaction, but will be negatively correlated with job dissatisfaction and burnout. It is hypothesized that overall job satisfaction and sex will not be correlated. It is also hypothesized that greater overall job satisfaction will be related to greater age and length of service.

Several hypotheses will be made in reference to the organizational variables. First, it is hypothesized that greater overall job satisfaction will be associated with increased participation on the specialized mental health docket. Second, it is hypothesized that greater overall job satisfaction will be associated with a greater perception of fair and equal treatment of court-appointed attorneys by courts, court personnel, and prosecutors. Lastly, it is hypothesized that greater overall job satisfaction will be associated with a perception of greater professionalism among courts and court personnel.

CHAPTER IV

METHOD AND METHODOLOGY

Method

This study is based on a survey conducted among court-appointed indigent defenders in Travis County, Texas from mid January through the end of February 2012. On January 13, 2012, a survey and request for interview was mailed to 251 of 253 attorneys identified as being on the court appointment list of indigent criminal defenders for Travis County as of August, 2011. Two attorneys had reviewed and provided feedback on the survey in process and were, therefore, not included in the study. In the first wave, 251 surveys were mailed. Attorneys had the option to return the survey anonymously, or to return the survey with contact information so that an interview could be scheduled at a later date. The survey was designed to be easily completed in less than fifteen minutes.

On January 30, 2012, a second wave, approximately 225 surveys, was mailed to all attorneys on the list except for those attorneys who had responded with contact information. The second wave did not include a request for interview. Four of the attorneys did not have a valid address or forwarding address. In total, ninety-one surveys out of a total of 247 were returned for a thirty-seven percent response rate. One respondent answered all questions except for the thirteen questions related to job

satisfaction, job dissatisfaction, and measurement. Therefore only 90 respondents answered questions to determine the scores for the dependent variables.

The survey consisted of four pages. The second page contained thirteen statements regarding attorneys' attitudes towards work with five possible responses (Strongly Disagree, Somewhat Disagree, Neutral, Somewhat Agree, and Strongly Agree). The third page consisted of fourteen statements concerning attorneys' attitudes towards judges, prosecutors, and other court personnel. These statements distinguished between county courts and district courts and had five possible responses (Poor, Acceptable, Fair, Good, and Outstanding).

Frequency distributions were prepared for all data. Four of the statements concerning attorneys' attitudes towards work were combined into a composite dependent variable for job satisfaction, five statements were combined into a composite dependent variable for job dissatisfaction, and the remaining four statements were combined into a composite dependent variable for meaningfulness of work. Subsequently, scatterplots were produced in order to investigate potential linear and nonlinear relationships between independent and dependent variables. Lastly, bivariate correlations between independent and dependent variables were produced in order to determine and quantify the magnitude of correlations between the independent and dependent variables.

Measures

Independent Variables

Independent variables included age, sex, and length of service. Length of service included separate variables for years practicing criminal defense, years practicing

criminal defense in Travis County, years on the Travis County misdemeanor court appointment list, and years on the Travis County felony court appointment list.

Independent variables for participation on the mental health docket included a variable for the felony mental health list and one for the misdemeanor mental health list.

Independent variables for fair and equal treatment of court-appointed attorneys included variables for treatment by courts, court personnel, and prosecutors at the county and district court levels. Independent variables for overall perception of the professionalism of court and court personnel included variables for both county and district courts. In addition, variables indicating attributes of professionalism such as accessibility, predictability and consistency were measured for both county and district courts.

The use of demographic variables such as age, sex, and job tenure connect the current study to past research on job satisfaction especially within the legal and criminal justice arena. Organizational variables included perceptions of procedural justice and professionalism within the courthouse workgroup, and an attorney's participation in a specialty court. All of the above variables, according to Herzberg, would be considered extrinsic (1966). While the demographic variables might apply similarly to attorneys in all types of legal practices, other job characteristics might vary due to the difference in organizational size and goals. That is, unlike a public defender or an attorney from a large firm, court-appointed attorneys are mostly in solo or small firms. Therefore, this study utilized variables regarding the interactions within the courthouse workgroup instead of variables regarding interactions within the law firm or public defender office.

Dependent Variables

Job satisfaction, job dissatisfaction, and meaningfulness of work were the dependent variables in this study. Each of these variables was based on a composite score of several questions. The job satisfaction variable was composed, in part, of questions modified or adapted from the Hoppock Job Blank No. 5 and the 1977 Quality of Employment Survey (Quinn & Staines, 1979; Hoppock, 1935). The job dissatisfaction variable was adapted from the Maslach Burnout Inventory (MBI) and the meaningfulness variable is adapted from the MBI and the Job Characteristics Model (JCM) (Maslach, 1996; Hackman & Oldham, 1976).

The measurement of the dependent variables in the current study is loosely based on the MBI which has three dimensions: emotional exhaustion, personal accomplishment, and depersonalization. Although the complete MBI consists of twenty two questions, the number of items used in the current survey was greatly reduced. The consistency of the MBI has been documented in many studies. However, some questions on the MBI, while potentially relevant, were deemed unacceptable. These questions were deemed too extreme to be included (Schaufeli & Taris, 2005).

In addition, the sequencing has been changed from the MBI in order to better accomplish the goals of the survey and questions have been included that are not on the MBI. For instance, a question has been added concerning role conflict due, in part, to the perceived threat of role conflict in reference to specialty court participation. The nature of court appointment work implies a flexibility and autonomy not prevalent in a public defender's office, a police department or a correctional institution. Therefore, the current survey does not include any measures similar to the depersonalization measures of the

MBI nor the task identity measures of the JCM. Lastly, each dependent variable is a composite measure.

Unlike Herzberg's model, other studies have indicated that extrinsic factors may predict job satisfaction or dissatisfaction. In addition, factors traditionally believed to be predictive of personal accomplishment, depersonalization, or emotional exhaustion on the MBI may not be predictive of these elements or may predict an element not traditionally associated with this factor. Meaningfulness of work in the present study and MBI's concept of personal accomplishment may be impacted by similar variables. In fact, significant career orientation or meaningfulness of work may mediate other variables that might otherwise cause job dissatisfaction. For instance, public defenders appear to have a greater sense of job satisfaction than many other attorneys (McIntyre, 1987).

The design of the current study provides a method for determining whether the job satisfaction and job satisfaction of court-appointed attorneys is correlated. The survey also provides for the value of work to be considered in evaluating job satisfaction, since meaningfulness of work may be the most important factor in determining job satisfaction. Results from this study will provide information necessary to aid in understanding job satisfaction among court appointed attorneys.

CHAPTER V

RESULTS

The Sample – Age and Sex

This study was conducted in January and February of 2012. Names of attorneys were obtained from Travis County in August, 2011 and a questionnaire was mailed out almost six months later. Therefore, the list of attorneys who received a survey may not include all the attorneys on the court appointment list in January and February, 2012, since attorneys may be added to the list during two specific periods of time during the year and may drop from the court appointment list at any time. In total, 91 surveys out of a total of 247 were returned for a 37 percent response rate.

Demographic information was collected regarding age and sex of the sample. Of the 91 responding attorneys, 21 were female (23%) and 70 were male (76%). The age of the attorneys on the court appointment list ranged from 30 to 71 with 49 being the median age. Four attorneys did not respond to age.

Work Environment

Most attorneys on the court appointment list were in solo practice. One attorney did not respond to the question regarding the size of the law practice. Of the remaining 90 respondents, 72 or 80% were in solo practice. The remaining 18 or 20% were in a

group practice. However, these group practices were generally quite small. Although group practices ranged from 2 to 11 attorneys, 61% of the group practices consisted of two attorneys.

Table 1 Number of Attorneys in Firm

Number	Frequency	Percent
Solo	72	80
2	11	12
3	2	2
4	2	2
5	2	2
11	1	1

n=90

Other factors in the work environment included the number of hours a week an attorney typically spent on court appointment and the percentage of hours devoted to work for all criminal defense work. The percentage of time that attorneys spent on Travis County court appointments out of all the time that these attorneys spent on criminal defense work ranged from 2% to 100% of time. The mean percentage of time was 50%. Three attorneys did not respond.

Instead of answering the questions concerning time spent on work with a number, some attorneys gave a range of time for these questions. The mean for each such response was recorded as the response. Therefore, the data for this section reflect an estimate of hours and not an exact number of hours.

Table 2 Criminal Defense Hours per Week

	Mean	Range	N
Criminal Defense Hours Not Related to Travis County Court Appointments	20	(0-60)	88
Criminal Defense Hours – Travis County Court Appointments	15	(0.8-60)	89

Length of Service

Attorneys on the court appointment list had substantial experience practicing criminal defense and practicing criminal defense within Travis County. In fact, at least 48% of the attorneys had fifteen or more years practicing criminal defense and 41% of the attorneys had at least fifteen years of experience practicing criminal defense specifically in Travis County. Overall, however, it appeared that attorneys practicing criminal defense in Travis County including those doing court appointments had substantial experience. In addition, attorneys were more likely to handle misdemeanor court-appointed cases than were likely to handle felony court-appointed cases.

Instead of answering the questions concerning length of service with a number, some attorneys gave a range of time for these questions. The mean for each such response was recorded as the response. Therefore, the data for this section reflect an estimate of years and not an exact number of years.

Table 3 Criminal Defense (Years of Practice or Years on List)

	Mean	Range	N
Criminal Defense	15	(1-40)	91
Criminal Defense in Travis County	12	(1-36)	90
Travis County Misdemeanor Court Appointment List	8	(0.5-29)	83
Travis County Felony Court Appointment List	10	(1-30)	76

Specialized Dockets

In Travis County, qualified attorneys may join lists for particular categories of cases. Two of these categories include the misdemeanor mental health list and the felony mental health list. In response to the survey, seven attorneys reported belonging to both

the misdemeanor and felony mental health list. Nine attorneys reported belonging to the misdemeanor mental health list but not the felony mental health list and six attorneys reported belonging to the felony mental health list but not the misdemeanor health list. Other felony lists include the Capital felony list, the “A” list for non-capital first degree felonies, the “B” list for 2nd and 3rd degree felonies, and the “C” list for State Jail Felonies and Motions to Revoke Probation. For purposes of this study, all attorneys qualifying for first degree felonies were combined into one category and all attorneys qualifying for non-first degree felonies and motions to revoke probation were combined into a second category. Sixty-eight attorneys reported that they were on the non-first degree felony list, while 19 reported that they were on the first degree felony list.

According to Travis County Court Administration, as of August 5, 2011, twenty-nine attorneys were on the felony mental health list. Thirteen of these attorneys responded to the survey. Twenty-one attorneys were on the misdemeanor mental health list, 16 responded to the survey. In addition, 143 attorneys were on the non-first degree felony lists and 68 responded to the survey. Fifty-Five attorneys were on the first degree felony lists and 19 responded to the survey.⁴

Fair and Equal Treatment and Professionalism

The third section of the questionnaire was a list of items designed to measure attorney’s perceptions concerning judges, prosecutors and court personnel. This section of the survey instrument contained a list of fourteen statements along with a five item response scale for each statement. Attorneys were instructed to mark one of five choices (1 = Poor, 2 = Acceptable, 3 = Fair, 4 = Good, or 5 = Outstanding). Several of these

statements were used to measure equality and fairness of treatment, i.e. perceptions of procedural justice. The remainder of these statements regarding court and court personnel were used to measure professionalism.

In addition, measures were used to distinguish between county and district court. Some attorneys answered only questions regarding county court, while some attorneys answered only questions regarding district court. Several missing responses in this section are aligned together in the above-stated fashion.

Mean responses concerning equal treatment ranged from 3.00 to 3.28, close to fair on the scale. The information for fair and equal treatment is recorded in Table 4 below.

Table 4 Fair and Equal Treatment

	Mean	Range	N
Equal Treatment by Judges and Court Personnel-- County Court	3.28	4	88
Equal Treatment by Judges and Court Personnel--District Court	3.22	4	87
Fairness and Equal Treatment by Prosecutors --County Court	3.00	4	88
Fairness and Equal Treatment by Prosecutors --District Court	3.05	4	87

The professionalism of courts and court staff was measured through a generalized variable for professionalism. Consideration of the professionalism of judges was separated from consideration of the professionalism of their staff. Specific measures regarding the predictability of judges' rulings, the consistency of court procedures, and the accessibility of judges and their staff were also considered.

The mean scores for professionalism ranged from fair to good, 3.30 to 4.02. The professionalism of district court judges and the accessibility of county court judges and their personnel received the highest scores. This information is recorded in Table 5.

Table 5 Professionalism

	Mean	Range	N
Accessibility of Judges and Court Personnel -- County Court	4.02	4	88
Accessibility of Judges and Court Personnel --District Court	3.92	4	87
Predictability of Judge's Rulings --County Court	3.61	4	87
Predictability of Judge's Rulings --District Court	3.59	4	86
Consistency in Procedures of Judges and Court Personnel-- County Court	3.30	4	88
Consistency in Procedures of Judges and Court Personnel --District Court	3.34	4	87
Professionalism of Judges --County Court	3.87	4	87
Professionalism of Judges --District Court	4.02	4	86
Professionalism of Court Personnel --County Court	3.93	3	88
Professionalism of Court Personnel -- District Court	3.90	4	87

Dependent Variables

Individual Variables

Job Satisfaction

The second section of the questionnaire was a list of items designed to measure attorney's attitudes regarding their work as court-appointed attorneys in Travis County. This section of the survey instrument contained a list of thirteen statements along with the same Likert-type response scale for each statement. Attorneys were instructed to mark one of five choices (1 = Strongly Disagree, 2 = Somewhat Disagree, 3 = Neutral, 4 =

Somewhat Agree, or 5 = Strongly Agree). Therefore, the scores ranged from 1 to 5. The scores close to 5 indicated a “strongly agree”. One respondent did not answer any questions used to measure the dependent variables, therefore, the maximum number of responses for this section of the survey was ninety.

In order to measure overall job satisfaction, the responses to the thirteen statements were combined into composite variables measuring job satisfaction, job dissatisfaction, and meaningfulness of work. Each composite variable was composed of at least four measures.

Four statements measured job satisfaction. The first survey statement measuring job satisfaction was, “I feel exhilarated after working closely with my court-appointed clients”. This statement was adapted from the MBI. Three attorneys did not respond to this question. The mean result for this measure was 3.13 indicating a close to neutral response, neither somewhat agree or somewhat disagree. The second statement measuring job satisfaction was “I feel satisfied with my job handling cases as a court-appointed attorney in Travis County”. This statement was adapted from Quinn & Staines 1977 Quality of Employment Survey (Quinn & Staines, 1979). One attorney did not respond to this question. Tables 6 and 7 show the responses to these statements.

Table 6 Exhilaration after Working with Court-Appointed Clients

	Number	Percent
Strongly Disagree	7	8.0
Somewhat Disagree	15	17.0
Neutral	32	36.4
Somewhat Agree	28	31.8
Strongly Agree	6	6.8

n = 88

Table 7 Satisfaction with Court-Appointment Work

	Number	Percent
Strongly Disagree	4	4.4
Somewhat Disagree	7	7.8
Neutral	7	7.8
Somewhat Agree	39	43.3
Strongly Agree	33	36.7

n = 90

However, the mean for job satisfaction with court-appointment work was 4.0 indicating that the average attorney was somewhat satisfied with court-appointment work. In fact, 80% of attorneys were either somewhat satisfied or strongly satisfied with their court-appointment work.

The third statement measuring job satisfaction was “I would recommend becoming a Travis County Court-Appointed Attorney to a friend.” This statement was adapted from Quinn & Staines (1979). Although the mean of 3.58 for this statement seems to indicate a rather weak response, 54.4% of attorneys somewhat agreed or strongly agreed to this statement. The fourth statement measuring job satisfaction was “My clients show appreciation for the work I do for them.” Both measures were missing one response. Tables 8 and 9 show the responses to these statements.

Table 8 Recommendation of Court-Appointed Work to a Friend

	Number	Percent
Strongly Disagree	6	6.6
Somewhat Disagree	4	4.4
Neutral	31	34.4
Somewhat Agree	30	33.3
Strongly Agree	19	21.1

n = 90

Table 9 Court-Appointed Clients' Appreciation

	Number	Percent
Strongly Disagree	8	8.9
Somewhat Disagree	17	18.9
Neutral	10	11.1
Somewhat Agree	48	53.3
Strongly Agree	7	7.8

n = 90

The mean response for the statement concerning court appointed client's recognition and appreciation of their attorneys was 3.32. This number indicates a response closer to neutral than any other response for this question.

Job Dissatisfaction and Burnout

Job dissatisfaction was measured with five statements. The first, second, and third statements measuring job dissatisfaction or burnout were adapted from the emotional exhaustion measures of the MBI. The first statement measuring job dissatisfaction and burnout was "I feel frustrated by my work as a court-appointed attorney." The second statement measuring job dissatisfaction and burnout was, "I feel emotionally drained from my work as a court-appointed attorney." Both of these measures were missing one response. The mean for "frustration" was 3.10 and the mean for "emotionally drained" was 2.83. Both of these measures indicated neutral as the mean response. Tables 10 and 11 show the responses to the above statements.

Table 10 Frustration after Working with Court-Appointed Clients

	Number	Percent
Strongly Disagree	12	13.3
Somewhat Disagree	18	20.0
Neutral	19	21.1
Somewhat Agree	31	34.4
Strongly Agree	10	11.1

n = 90

Table 11 Court-Appointed Work as Emotional Draining

	Number	Percent
Strongly Disagree	13	14.4
Somewhat Disagree	25	27.8
Neutral	21	23.3
Somewhat Agree	26	28.9
Strongly Agree	5	5.6

n = 90

Although 33.3% somewhat or strongly disagreed with the statement concerning the frustration of court-appointed work, 42.1% somewhat or strongly disagreed with the

statement concerning the emotionally draining nature of court-appointed work.

Therefore, more attorneys appear to be “frustrated” with their work than appear to feel “emotionally drained” from their work. Interestingly, somewhat disagree and somewhat agree have similar response rates for the “emotionally drained” measure.

The third statement adapted from the MBI to measure job dissatisfaction was “I feel burned out from my court appointments.” One attorney did not respond to this statement. Although the mean was 2.42, most attorneys, at least 57.8%, disagreed with this statement. Table 12 shows the responses for this statement.

Table 12 "Burned Out" from Court Appointments

	Number	Percent
Strongly Disagree	28	31.1
Somewhat Disagree	24	26.7
Neutral	17	18.9
Somewhat Agree	14	15.6
Strongly Agree	7	7.8

n = 90

The fourth statement used to measure job dissatisfaction and burnout was “I often consider getting off the Travis County court-appointment list.” This question was adapted from the Hoppock Job Blank Number 5 which asked respondents to indicate what statement they felt best described how they might feel about changing their job (Hoppock, 1935). Although the mean response was 2.43, most attorneys (60%), disagreed with this statement. One attorney did not respond to this statement. Both the statement concerning burnout and the statement concerning getting off the court-appointment list had similar means and percentages of attorneys who disagreed with these statements. These results, reflected in Table 13 for the statement concerning getting off the court-appointment list, indicated that most attorneys did not feel burned out or want to get off the court appointment list.

Table 13 Consider Getting Off the Court-Appointment List

	Number	Percent
Strongly Disagree	30	33.3
Somewhat Disagree	24	26.7
Neutral	15	16.7
Somewhat Agree	9	10.0
Strongly Agree	12	13.3

n = 90

The fifth statement used to measure job dissatisfaction and burnout was “my role as an advocate for my client conflicts with my role as an officer of the court.” The mean for this statement was low, 1.63. Most attorneys, 68.9%, strongly disagreed with this statement. One attorney did not respond to this statement. This statement was included, in part, to address the role conflict attorneys might experience in specialized mental health court when torn between their role as an advocate for their client, their role as an officer of the court, and their desire to act “in the best interests” of their client. Table 14 shows the response rates for the “role conflict” statement.

Table 14 Role Conflict

	Number	Percent
Strongly Disagree	62	68.9
Somewhat Disagree	9	10.0
Neutral	11	12.2
Somewhat Agree	6	6.7
Strongly Agree	2	2.2

n = 90

Meaningfulness of Work

Meaningfulness of work was measured with four statements. The first two statements, “I feel I’m positively influencing other people’s lives through my work” and “I have accomplished many worthwhile things as a court-appointed attorney” were adapted from the personal accomplishment measure of the MBI. Both statements also describe task significance, one of the five characteristics of jobs in the Job Characteristics Model (Hackman & Oldham, 1976). One attorney did not respond to either statement.

The mean of 4.13 for the first statement and the fact that 82.2% of attorneys either strongly agreed or somewhat agreed with this statement indicates that attorneys overwhelmingly feel that they were positively influencing other people through their work. Tables 15 and 16 show the responses for these statements.

Table 15 Positively Influencing People Through Court-Appointed Work

	Number	Percent
Strongly Disagree	1	1.1
Somewhat Disagree	4	4.4
Neutral	11	12.2
Somewhat Agree	40	44.4
Strongly Agree	34	3.8

n = 90

Table 16 Worthwhile Accomplishments as a Court-Appointed Attorney

	Number	Percent
Strongly Disagree	1	1.1
Somewhat Disagree	2	2.2
Neutral	10	11.1
Somewhat Agree	29	32.2
Strongly Agree	48	53.3

n = 90

The mean of 4.34 for the statement concerning the worthwhile accomplishments of the court-appointed attorney and the fact that 85.5% of attorneys either strongly agreed or somewhat agreed with this statement indicates that attorneys generally felt that their accomplishments as court-appointed attorneys were worthwhile.

The third and fourth statements concerned the importance of court-appointed work to indigent clients and to the community as a whole. The third statement measuring meaningfulness of work was “The quality of my work is vital to the wellbeing of my clients.” Two attorneys did not respond to this statement. The mean of 4.72 for this statement indicates that most attorneys feel strongly that their work is vital to their clients. In fact, 97.8% of attorneys indicated that they somewhat or strongly agreed with this statement. No attorneys recorded a disagreement with this statement.

The fourth statement measuring meaningfulness of work was “ My job provides an important service to the welfare of the general community.” Most attorneys, 87.8 %, agreed with this statement. The mean for this response was 4.37. One attorney did not respond to the statement. Tables 17 and 18 show these responses.

Table 17 Quality of Work as Vital to Clients

	Number	Percent
Strongly Disagree	0	0.0
Somewhat Disagree	0	0.0
Neutral	2	2.2
Somewhat Agree	21	23.6
Strongly Agree	66	74.2

n = 89

Table 18 Court-Appointed Work as Important to the Community

	Number	Percent
Strongly Disagree	1	1.1
Somewhat Disagree	3	3.3
Neutral	7	7.8
Somewhat Agree	30	33.3
Strongly Agree	49	54.5

n = 90

Composite Variables

Thirteen measures were recorded to determine job satisfaction, job dissatisfaction or burnout, and meaningfulness of work. Four measures were combined into one composite score for job satisfaction. Five statements were combined into one composite score for job dissatisfaction or burnout and the remaining four statements were combined into a composite score for meaningfulness of work. Three responses were missing for the job satisfaction variable. One response was missing for the job dissatisfaction variable, and two responses were missing for the meaningfulness of work variable. Table 19 shows the composition of the aggregate variables for job satisfaction, job dissatisfaction, and meaningfulness of work.

Table 19 Formation of Composite Variables

Composite Variable	Individual Measure
Job Satisfaction	Exhilarated Satisfied Recommended Appreciated
Job Dissatisfaction	Frustrated Drained Burned Out Getting off List Role Conflict
Meaningfulness	Positive Influence Accomplishments Vital Quality Work Community Service

The composite variables for job satisfaction and meaningfulness were each composed of four measures. The possible minimum score for each of these variables was 4, which would indicate a low level of job satisfaction or meaningfulness and the possible maximum score for each variable was 20, which would indicate a high score for job satisfaction or meaningfulness. A neutral score on either variable would be indicated as a 12. The median score for meaningfulness was 19 indicating a strong degree of meaningfulness. The composite variable for job dissatisfaction was composed of five measures. The potential range for the mean of this variable was 5 to 25 with a neutral score indicated as a 15. Both the means for job satisfaction and for job satisfaction were close to the neutral score. Table 20 shows the mean and range values for the composite variables.

Table 20 Composite Variables

	Mean	Range	Number
Job Satisfaction	13.96	(6-18)	88
Job Dissatisfaction	12.42	(5-24)	90
Meaningfulness	17.53	(10-20)	89

Correlations among Composite Dependent Variables

Job satisfaction and meaningfulness of work were positively correlated. The result of the correlation test, $r(87) = .375$, $p < .01$, indicated a moderate positive correlation between these two variables. In fact, 14% of the variation in job satisfaction could be explained by meaningfulness of work. Job satisfaction and job dissatisfaction were negatively correlated. The result of the correlation test between these two variables, $r(88) = -.438$, $p < .01$, indicated a moderate negative correlation between these two variables. However, these variables did not completely overlap. Nineteen percent of the variation in job satisfaction could be explained by job dissatisfaction. Lastly, the correlation test between meaningfulness of work and job dissatisfaction was not statistically significant. The correlations among the composite dependent variables are provided in Table 21.

Table 21 Correlations among Composite Dependent Variables

	Job Satisfaction	Job Dissatisfaction	Meaningfulness
Job Satisfaction	1.000	-.438**	.375**
Job Dissatisfaction	-.438**	1.000	.067
Meaningfulness	.375**	.067	1.000

* $p < .05$; ** $p < .01$

Correlations between Independent and Dependent Variables

Sex and Age

No correlations between sex or age and the dependent composite variables were statistically significant. However, the correlation between one measure of the aggregated variable for job satisfaction, exhilaration, did show a statistically significant positive correlation with age. The information regarding the associations between age, sex, and the composite dependent variables is shown in Table 22.

Table 22 Correlations of Composite Variables with Age and Sex

	Age	Male
Job Satisfaction	.111	-.034
Job Dissatisfaction	-.005	-.139
Meaningfulness	.149	-.090

* p < .05; ** p < .01

Length of Service

No correlations for length of service and the composite dependent variables were statistically significant. These measures included years on the misdemeanor and felony list for Travis County court appointments, years practicing criminal defense in Travis County, and years practicing criminal defense. Information regarding these correlations is shown in Table 23.

Table 23 Correlations of Composite Variables with Length of Service (in Years)

	Criminal Defense	Criminal Defense Travis County	Travis County Misdemeanor List	Travis County Felony List
Job Satisfaction	-.012	.112	-.167	-.107
Job Dissatisfaction	-.038	.069	.081	-.036
Meaningfulness	.106	.060	.056	.002

* p < .05; ** p < .01

Specialized Dockets

Participation on either the felony or mental health list was associated with increased job satisfaction. However, there was no significant correlation between participation on the felony or misdemeanor mental health docket and the other two composite variables, job dissatisfaction/burnout and meaningfulness of work. The information regarding the correlations between participation on the specialty docket and the dependent composite variables is shown in Table 24.

Table 24 Correlations of Composite Variables with Mental Health Lists

	Misdemeanor MH Docket	Felony MH Docket
Job Satisfaction	.221*	.266*
Job Dissatisfaction	-.018	-.076
Meaningfulness	.184	.182

* p < .05; ** p < .01

Equal Treatment by Courts, Court Personnel and Prosecutors

Court-appointed attorneys who felt they were being treated equally and fairly by courts, court personnel, and prosecutors seemed to have greater job satisfaction. The relationship between perception of fairness and job satisfaction was statistically significant. In addition, job dissatisfaction and burnout had a statistically significant, but negative correlation with equal treatment by courts and court personnel. In fact, lack of equal treatment by courts and court personnel can explain 10% of the variance in job dissatisfaction. However, the relationship between job dissatisfaction and burnout and equal or fair treatment by prosecutors is not statistically significant. In addition, the relationship between meaningfulness of work and equal treatment by courts, court personnel, and prosecutors is not statistically significant. These results are provided in Table 25.

Table 25 Correlations of Composite Variables with Equal Treatment

	County Court and Court Personnel	District Court and Court Personnel	County Attorneys	District Attorneys
Job Satisfaction	.436**	.404**	.323**	.331**
Job Dissatisfaction	-.323**	-.301**	-.131	-.170
Meaningfulness	.097	-.040	.138	.155

* p < .05; ** p < .01

Professionalism

Job satisfaction appears to be positively correlated with accessibility of courts, predictability of judges' rulings, and consistency of court procedures while job dissatisfaction appears to be negatively correlated with these items. The relationship between accessibility, predictability, and consistency and meaningfulness of work is not statistically significant. These results are shown in Table 26.

Table 26 Correlations of Composite Variables with Specific Professionalism Items

	Access County	Access District	Predict County	Predict District	Consist County	Consist District
Job Satisfaction	.419**	.361**	.319**	.342**	.321**	.312**
Job Dissatisfaction	-.372**	-.396**	-.315**	-.344**	-.281**	-.298**
Meaningfulness	.046	.097	-.074	-.065	.057	.028

* $p < .05$; ** $p < .01$

Perceptions of assigned counsel regarding greater professionalism among courts, probation officers, and other court personnel were associated with greater job satisfaction. Job dissatisfaction or burnout had an even stronger, but negative association with professionalism. For instance, 15% of the variation in job dissatisfaction could be explained by perception of the lack of professionalism of district courts. However, meaningfulness of work was not correlated with any professionalism variable. These results are provided in Table 27.

Table 27 Correlations of Composite Variables with General Professionalism Items

	Prof County	Prof District	Prof Other County	Prof Other District
Job Satisfaction	.363**	.384**	.229*	.232*
Job Dissatisfaction	-.375**	-.399**	-.307**	-.341**
Meaningfulness of Work	.045	.007	.040	.090

* $p < .05$; ** $p < .01$

CHAPTER VI

DISCUSSION

Although all attorneys on the court appointment list for Travis County with current addresses received a survey for this study, only 37% chose to respond. However, the response rate for the current mailed survey was greater than response rates from previous attempts to survey Travis County court-appointed attorneys through email. Two separate emailed surveys targeting this population received response rates of 13% and 25% (Hale, 2011; Texas Task Force on Indigent Defense, 2010). Regardless, this sample size was rather small. A larger sample might have provided stronger statistical support regarding the factors associated with job satisfaction for court-appointed attorneys. Attorneys who made the decision to respond to the survey may have done so out of strong feelings either of satisfaction or dissatisfaction, while non-respondents may not have had such strong feelings, resulting in a biased response to the survey. The small size of the sample, and the fact that the sample may not be representative should be considered when considering the results of this study.

Although sex, age, and length of service were not significantly related to job satisfaction in this study, organizational variables were significant correlates of job satisfaction. The results of this study supported the prediction that organizational factors would be significantly correlated with the job satisfaction of court-appointed attorneys. The data provided empirical support for the assumptions of both procedural justice and

therapeutic jurisprudence that courtroom practices and procedure would be associated with the satisfaction of defense attorneys as participants in the litigation process in addition to the impact of these practices on the actual litigants.

The theory of procedural justice contends that the fairness of the litigation process may be more important in determining the satisfaction of litigants than the actual outcome of litigation. Researchers have suggested, but provided little empirical evidence, that fair and equitable processes impact the satisfaction of all courthouse workers, not just the litigants. Fair and equal treatment was measured subjectively through questions regarding the perceptions of court-appointed attorneys. In this study, fair and equal treatment by courts, court personnel, and prosecutors of court-appointed attorneys was significantly correlated with the increased job satisfaction of these attorneys.

Although procedural justice is generally associated with the litigation process, other practices and procedures of the court may provide a sense of fairness and equity to court-appointed attorneys. Equity theory suggests that actual outcomes will appear to be just if an individual thinks he is being treated fairly in relation to the manner in which other individuals are being treated. Therefore, day-to-day court practices, in addition to litigation, may be associated with the job satisfaction of court-appointed attorneys. However, this study measured the subjective perceptions of assigned counsel regarding fair and equal treatment. It did not measure specific actions or procedures that might be considered fair or unfair.

All fair and equal treatment variables indicated a positive association with job satisfaction. These correlations ranged from weak to moderate. The range of means for

variables concerning perceptions of fair and equal treatment was 3.00 to 3.28. This range of means was close to the middle of the response spectrum which ranged from 1=poor to 5=outstanding. All correlations indicated a link between perceptions of equal and fair treatment and increased job satisfaction. Perceptions of fair and equal treatment by courts were ranked higher than perceptions of fair and equal treatment by prosecutors. Job dissatisfaction was negatively correlated with perceptions of fair and equal treatment by judges and staff but was not significantly correlated with perceptions of fair and equal treatment by prosecutors. These results indicate equitable treatment of defense counsel by the court and staff has a significant correlation with attorney satisfaction. To a lesser degree, the fair and equal treatment of defense attorneys by prosecutors may also be associated with attorney satisfaction. The social environment and interactions among prosecutors, defense attorneys, judges and court personnel seemed to play a role in job satisfaction.

In this study, increased job satisfaction was positively correlated with perceptions of greater professionalism among the court and staff. All court variables were positively correlated with job satisfaction and negatively correlated with job dissatisfaction. These variables measured attorneys' perceptions of the accessibility, predictability, and consistency of the court and its staff. However, these measures were general in nature and did not describe or require explanations concerning specific instances of issues regarding accessibility, predictability or consistency of court practices. In addition, a general measure of professionalism was used. The results of these correlation tests, along with the results for perceptions of fair and equal treatment, indicate a relationship between court actions and attorney satisfaction.

Therapeutic jurisprudence contends that the litigation process can be therapeutic for all participants. Although this theory is generally applied to the litigants, it has been suggested that the satisfaction of all participants in the process, including attorneys, may be impacted by the process. Problem-solving courts, such as mental health courts, are often based on the theory of therapeutic jurisprudence. These courts may use a team approach to resolve the underlying problems resulting in criminal behavior. As predicted, attorney participation on the misdemeanor and felony mental lists for Travis County was positively associated with increased attorney job satisfaction. However, the association between attorney job satisfaction and participation on either mental health list was weak. In fact, participation on these lists was not significantly correlated with job dissatisfaction.

The number of attorneys on the mental health lists was substantially smaller than the total number of attorneys on all court-appointed lists for Travis County. In addition, seven attorneys appeared on both lists. Since the number of attorneys participating on the mental health lists was quite small, it is possible that a larger sample might indicate a greater effect or a correlation with job dissatisfaction. In addition to the current study, one other study has indicated a link between increased job satisfaction and participation in a problem-solving court (National Legal Aid and Defender Association, 1997). Further research may be necessary to substantiate these weak findings among such a small sample and to determine whether factors other than mere participation on a mental health list influence attorneys on these lists.

Regardless, these results indicate a relationship between participation on the mental health list and job satisfaction. Although several authors have suggested that

problem solving courts, such as mental health courts, may be therapeutic for all individuals involved in the litigation process, little empirical evidence has been provided for this suggestion to date. These results link increased job satisfaction of defense attorneys with participation in this specialty court docket.

In the current study, the demographic variables were not significantly associated with job satisfaction. It was anticipated that the relationship between sex and job satisfaction would be insignificant, and the data supported this prediction. It was also predicted that age and length of service would be positively correlated with job satisfaction, however the data from this study indicated that the relationship between these demographic variables and job satisfaction was insignificant. Reasons for the lack of correlation between sex, age, and length of service and job satisfaction will be discussed in the following paragraphs.

Most court-appointed attorneys were male and had substantial experience practicing criminal defense and handling felony and misdemeanor court appointments for Travis County. However, sex did not correlate with job satisfaction. One reason for this lack of correlation may be the small number of female defense attorneys in comparison with the much larger number of male attorneys. Another reason may be that qualified attorneys can determine which types of cases they would like to handle and this choice is available to both men and women, causing both to be similarly satisfied with their work. The current study supports the research indicating that both men and women are equally satisfied with their legal careers (Heinz, Hull & Harter, 1999; Hirsch, 1985).

Although it was predicted that older attorneys would have greater job satisfaction, this study found that age did not correlate with job satisfaction or job dissatisfaction. One

reason for the lack of correlation between job satisfaction and age may be that court-appointed attorney's reimbursement does not increase with age or experience, unlike other legal practices. In fact, the issue of the amount of reimbursement for court appointed attorneys was not included in this study. Attorneys however, did seem to remain on court-appointment lists for great lengths of time.

It was predicted that greater length of service as a court-appointed attorney would be associated with greater job satisfaction. The results of this study indicated that neither the length of practice on the misdemeanor court-appointment list nor the length of practice on the felony court-appointment list correlated with job satisfaction or job dissatisfaction. In addition, length of time practicing criminal defense and length of time practicing criminal defense in Travis County was not associated with job satisfaction or dissatisfaction. One reason for this lack of correlation may be due to the independent nature of court-appointment work. Most respondents were in solo practice. They could choose what types of cases they wanted to handle and how many hours of week they wanted to work. On the other hand, unlike a business with a vertical hierarchy, there may be little potential upward movement for court appointed attorneys, no matter how long they have remained on the court appointment list.

The mean number of years for attorney participation on the misdemeanor list was 8 years, while the mean number of years for participation on the felony list was 10. Attorneys were somewhat older than expected with a median age of 49. They devoted an average of 50% of their time practicing criminal defense to court-appointment work. Therefore, most attorneys handled private criminal cases or court appointment cases from other counties in addition to their Travis County court-appointment work. Differences

between private criminal defense work and court-appointed work was not explored in this study. In addition, the law practice of a few attorneys was based almost exclusively on Travis County court-appointments. Differences in job satisfaction among court-appointed attorneys may be due, in part, to differences in the composition of the attorney's law practice and the amount of time spent on court appointments in general.

The use of three composite dependent variables was an important aspect of this study. Job satisfaction was positively correlated with several variables that were also negatively correlated with job dissatisfaction. Other variables that were positively associated with job satisfaction had no significant correlation with job dissatisfaction. Meaningfulness of work had no significant correlations with any of the independent variables. Therefore, the results of this study indicated that these three variables were not equivalent.

Of the three composite variables, meaningfulness of work had the highest and most consistent scores ranging from 10 to 20 with a median score of 19. Other studies have also indicated value or meaningfulness of work as being one of the most important factors in determining satisfaction (Judge & Klinger, 2007). Most attorneys seemed to find value in their work as court-appointed attorneys. In addition, most court-appointed attorneys were in solo practices or two-person firms. Attorneys in small practices, such as these, are more likely than attorneys in larger firms to be responsible for all phases of cases and to handle a variety of tasks related to criminal defense litigation resulting in potentially higher scores for meaningfulness of work.

Although meaningfulness of work was positively associated with job satisfaction, it was not associated with job dissatisfaction. Moreover, meaningfulness of work was

important to most respondents although it was not associated with any of the independent variables. Court appointed attorneys seem to feel that they were doing valuable work and this feeling appears to be separate from considerations of job satisfaction.

Job satisfaction and job dissatisfaction were negatively correlated. For some organizational factors, job satisfaction correlated negatively with job dissatisfaction, supporting the traditional view of these variables as ends of a spectrum. On the other hand, job satisfaction and job dissatisfaction did not correlate with all of the same organizational factors. Although job satisfaction was positively associated with participation on the felony and mental health docket list, job dissatisfaction was not associated with participation on a mental health docket list. Therefore, job satisfaction and job dissatisfaction were not associated with all of the same variables, lending credence to Herzberg's argument that factors associated with job satisfaction are different from factors associated with job dissatisfaction (Herzberg, 1966). The data from this survey provides evidence that the relationship between job satisfaction and job dissatisfaction is inconsistent. This relationship seems to be dependent on the factor being measured. In this study, demographic factors did not appear to be correlated with job satisfaction and dissatisfaction, while the results for the correlations of the dependent variables with the independent organizational variables were mixed.

Two issues concerning measurement should be addressed. First, although most of the measures for job satisfaction, meaningfulness of work, and job dissatisfaction used in this study were derived from prior job satisfaction research, the current survey instrument was created specifically for the purposes of this study and has not been used by other researchers. Second, detecting and measuring nonlinear relationships in job satisfaction

research is problematic. There may have been relationships between the dependent and independent variables of this study that went undetected due to the nature of the survey instrument and the statistical method used to determine correlations. A multimethod analysis might have detected other important relationships (Baltes, Bauer, Bajdo & Parker, 2002).

In summary, this study gathered information about court-appointed attorneys, a rarely studied group. While limited in scope due to the small size of the sample and to the creation of a questionnaire that had not been tested by other researchers, this data provided information linking job satisfaction to organizational variables. Age, sex, and length of service, were not significantly correlated with job satisfaction or job dissatisfaction. Although all organizational variables were positively correlated with job satisfaction, not all of these variables correlated with job dissatisfaction. For instance, participation on the mental health docket list was positively correlated with job satisfaction, but was not significantly correlated with job dissatisfaction. Most of the court variables were negatively correlated with job dissatisfaction, except for the variables measuring the perceived fairness and treatment of defense attorneys by prosecutors which were not significantly correlated with job dissatisfaction.

Meaningfulness of work was not significantly correlated with any independent variable.

This data support the notion of the importance of building positive relationships between attorneys, courts, and court personnel. In addition, the processes and procedures of the court, as well as the demeanor of the court and the court personnel under the court's direction, appear to impact the job satisfaction of court-appointed attorneys. Specialized dockets that facilitate teamwork and therapeutic jurisprudence may increase

attorney satisfaction. Greater job satisfaction has been linked to better performance. The courthouse workgroup appears to have a significant role in the job satisfaction or dissatisfaction of defense attorneys and, potentially, their efficiency and effectiveness as defense counsel, especially in court-appointed cases.

CHAPTER VII

CONCLUSION

Few researchers have studied court-appointed attorneys as a group. This survey attempted to measure the job satisfaction of all attorneys on the court-appointment list for Travis County. Subsequent to the Fair Defense Act, all counties in Texas have been more consistent in their administration of indigent offender representation. Counties with appointment systems similar to Travis County should be investigated in order to determine whether the job satisfaction of court-appointed attorneys in these counties, like court appointed attorneys in Travis County, is related to organizational measures such as the perceived treatment of defense counsel by the courts, the court staff, and prosecutors.

Future researchers should consider studying court-appointed attorneys as a group, as well as the impact of changes in court practice and administration on defense attorneys. For instance, one result of the FDA was a change, in many jurisdictions, from an ad hoc appointment of assigned counsel to a systematic process. As a result, the process of appointing an attorney became more equitable. The impact of this process on the job satisfaction of court-appointed attorneys necessitates further investigation.

Innovation in court practice has been instigated to increase the efficiency and fairness of the criminal justice process. Concepts such as therapeutic jurisprudence

problem solving courts, and procedural justice have been studied in terms of their impact on defendants and the litigation process. In addition, some research has included the jobsatisfaction of judges. However, little research has been done on the impact of innovative processes on defense counsel. For instance, the mental health court process requires increased social interaction among prosecutors, criminal defense attorneys, judges and court staff. The impact of increased social interactions on job satisfaction among all participants should be investigated. Court processes which are designed to be therapeutic for litigants should be investigated as to the impact of this design on the job satisfaction of lawyers, judges, and staff. The relationship between the job satisfaction of attorneys, litigants, and judges and procedural justice with its emphasis on fair procedures should be considered. As courts attempt to become more efficient and effective, the impact of these changes on other members of the courthouse workgroup merits attention.

The results of this study indicate that further research is needed regarding the direct and indirect impact of court practices on defense counsel as well as defendants, prosecutors, judges and staff. Since increased satisfaction has been associated with better job performance, better mental and physical health, and lower turnover, practices which are linked to greater job satisfaction, should be reinforced.

Problem solving courts may cause stress due to role conflict. The criminal defense attorney may be torn between the role of advocate, the role of court officer, and the desire to act in the best interests of the client. The best way to measure role conflict should be investigated in order to get the most accurate response. In order to get an accurate response, the respondent must feel comfortable answering a question in which a true response may run counter to the attorney's personal ideals.

Most of the attorneys that were the subject of this study were in solo practice. The most widely used job satisfaction survey instruments, however, were created to measure satisfaction in larger organizations such as police departments, correctional institutions, public defender offices, and human service organizations. Research to determine the most appropriate survey instrument to measure job satisfaction among smaller, more autonomous entities such as solo legal practices should be conducted. In addition to criminal defense, other litigation areas such as family law and personal injury should be considered in creating this instrument.

Although the current study considered only the correlation of perceived court actions with the job satisfaction of court-appointed attorneys, the job satisfaction of all members of the courthouse workgroup may be associated with the court process. The job satisfaction of private criminal defense attorneys and public defenders, as well as court-appointed attorneys in other counties, should be investigated. Studies concerning job satisfaction among prosecutors, judges, staff, and other civil attorneys should be conducted.

The demographic variables in this study showed no correlation with job satisfaction. Methods to determine potential relationships between these factors should continue to be investigated. Meaningfulness of work, while seemingly of importance to the respondents in this study, did not appear to be correlated with any other factor. Further investigation as to the relationship between meaningfulness of work and overall job satisfaction should be conducted.

The current study was exploratory in nature. In addition, the sample size was small. Additional research should be conducted among court-appointed attorneys in

other jurisdictions in Texas to determine whether the link between job satisfaction and organizational factors can be replicated. Research utilizing a larger sample size might indicate stronger relationships among the variables. Further job satisfaction research regarding the impact of organizational variables including innovative courthouse processes on the job satisfaction of all participants is warranted. Data in this study supported the idea that procedural justice, therapeutic jurisprudence, and problem-solving courts may have an impact on attorney satisfaction. Prior to this study most researchers assumed these theories would affect attorney satisfaction but provided no empirical evidence to support their assumptions.

Courts should include the participation of prosecutors, defense attorneys, and court staff when making changes in court procedures and policy. Establishing fair, consistent, and predictable court procedures with input from attorneys is important to the success of the criminal justice process. Measuring the impact of court practices and procedures on the job satisfaction of all involved, including court-appointed attorneys is an important area for future research. Increased job satisfaction among all legal participants should provide an atmosphere for a more effective and efficient criminal justice process.

ENDNOTES

¹ *Gideon v. Wainwright*, 372 U.S. 335 (1963) determined that the sixth amendment right to counsel applied to the states through the 14th amendment for serious cases, thereby obligating states to provide counsel for indigent offenders in felony cases. *Argersinger v. Hamlin*, 407 U.S. 25 (1972) extended the requirement that states provide counsel for indigent offenders to all crimes for which imprisonment was an option.

² The National Survey of Indigent Defense Systems was conducted in 1999-2000 by the Bureau of Justice Statistics. During this same period of time, the Texas Appleseed Fair Defense Project conducted a study of county-level indigent defense practices in Texas. These studies, along with other factors, facilitated the passing of the Fair Defense Act in 2001. Appleseed Fair Defense Project. (2000). The Fair defense report: Analysis of indigent defense practices in Texas.

³ Texas established the Texas Fair Defense Act, Tex. Gov. Code. Ann. Sec. 71.051-.063. (Vernon 2010), which created the Task Force on Indigent Defense to monitor state financial assistance to counties. In return, local judiciaries report their county plan for delivering indigent defense services.

⁴ Email received from Kasey Hoke, Senior Planner for Travis County Court Administration, on August 5, 2011.

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