Job Satisfaction among Judicial Officers: Findings from the National Survey of Australian Magistrates

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Abstract
In spite of rich legal and theoretical attention to courts, the judiciary and judicial decision-making, judicial officers are rarely the subject of national social empirical research. Research which exists in Australia tends to focus on specific topics: sentencing practices; views about expert evidence; the handling of domestic violence cases, or is concentrated on a single jurisdiction. Sociological scholarship on the nature of work, career trajectories, and job satisfaction or stress in professional occupations rarely investigates the judiciary. Based on data from a national social survey of the Australian magistracy, this paper discusses job satisfaction among magistrates. Most aspects of magistrates work, especially intrinsic aspects, are important sources of job satisfaction for all magistrates, regardless of gender, time on the bench, age or location. Relatively few magistrates seek a career change, though some would like new challenges or different roles. The areas of most dissatisfaction relate to extrinsic factors, including organisational structure and administration, workload and resources, including opportunities for continuing education. While it is simplistic to conclude that such areas of dissatisfaction can be alleviated by more financial resources, for example, they are more amenable to change than the intrinsic nature of the work, which most magistrates enjoy.

Introduction
In spite of rich legal and theoretical attention to courts, the judiciary and judicial decision-making, judicial officers are rarely the subject of national social empirical research¹. Research in Australia tends to focus on specific topics: sentencing practices (Ellson and Poletti 2000; Potas 1986); views about expert evidence (Freckelton, Reddy and Selby 2001); the handling of domestic violence cases (Hunter 1999) or is concentrated on a single jurisdiction (Douglas and Laster 1992). Sociological scholarship on the nature of work, career trajectories, and job satisfaction or stress in professional occupations rarely investigates the judiciary (Leicht and

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Fennell 1997). This paper discusses job satisfaction among magistrates and is based on data from the first national social survey of the Australian magistracy.

In Australia, there are approximately 130 judges in Commonwealth courts, 350 state and territory judges and 450 magistrates totalling over 900 judicial officers, organised into over 25 different courts. Distinction is often drawn between the magistrates who sit in the lower “inferior” first instance courts, and judges (or justices) who sit in the higher or “superior” courts. The vast majority of citizens who come into contact with the judicial system - whether it is for a criminal trial, a debt recovery action, a committal or some other matter - will have their case considered (and most likely only considered) by the magistrates’ court. Australia-wide, magistrates deal with 95.9 per cent of all criminal lodgements and 89.5 per cent of all civil lodgements. Magistrates’ courts in their criminal jurisdiction processed approximately 745,300 matters initiated in these courts in 2003-04. A further 579,900 civil matters were initiated (SCRGSP 2005: Tables 6.2-6.4). Pressure also exists for matters to be dealt with quickly. Magistrates’ courts in all states and territories finalised 91 % of all their non-appeal criminal matters and just over eight-tenths (83.8 %) of all their non-appeal civil matters within six months in the year 2002-03.

The occupational location of a magistrate is distinctive. Magistrates have a large degree of autonomy in the exercise of everyday work, though decisions are reviewable by appeal to a higher court. Magistrates do have security of tenure (though this is not unlimited). There are professional entry requirements, but unlike other professions, magistrates do not have a professional/client relationship. Their service ideal is abstract. The oath of office requires judicial officers to serve the community, society, and justice, not particular clients as such. Unlike the professional/client relationship, which is private and entails confidential communications, most proceedings in the magistrates’ court are open to the public (exceptions include care matters and youth courts).

Census data indicates that the judiciary has become more heterogeneous, in terms of gender, age, family background and professional experience, over the past two decades. The extent and significance of these changes for judicial practice have not been accurately mapped. Scholarship on the Australian judiciary which attempts to explore these changes rarely obtains information directly from judicial officers (Campbell and Lee 2001). Most of the published information about the Australian
judiciary relies on sources which may be incomplete such as *Who's Who* (De Micheli 2003) or on the writings of individual judges expressing their personal views about their work and life on the bench (Thomas 2000). Information from current public sources "certainly does not provide an adequate foundation for any worthwhile sociological study of the judiciary" (Campbell and Lee 2001: 24).

On the other side, new scholarship on the professions examines the subjective dimensions of everyday work, especially job satisfaction and stress and the management of emotions (Harris 2002; Lively 2000). The extent to which members of a profession experience difficult decisions and human tragedies as a source of job satisfaction or stress is a subject of much debate (Maslach, Schaufeli and Leiter 2001).

Job satisfaction refers to an overall affective orientation on the part of individuals toward work role which they are presently occupying. It must be distinguished from satisfaction with specific dimensions of those work roles (Kalleberg 1977: 126).

We distinguish between intrinsic dimensions of work, that is characteristics which are part of the nature or essence of the work and are not easily changeable, for example intellectual challenge, overall work, the level of autonomy and the content of work, and extrinsic dimensions, which relate to the organisation of the work and can be of several types, for example, career opportunities, administration, resources, remuneration and relationships with colleagues. Extrinsic dimensions are more amenable to change. The paper first describes a national survey of Australian magistrates, then reports on findings from the survey in relation to levels of job satisfaction in this distinctive occupation.

**Undertaking the survey**

The National Survey of Australian Magistrates is one component of a larger research project entitled *The Changing Role of the Magistrates Court*. The survey was sent to 434 magistrates throughout Australia in November 2002. Responses were received into January 2003; 210 surveys were returned, giving a national response rate of 48 per cent. The survey covered the following topics:

- Current position as a magistrate
• The work of a magistrate
• Job satisfaction
• Career background, including education and employment/work history
• The relationship between work and other activities
• Demographic information

On a number of key dimensions the respondents very closely reflect the magistracy as a whole as at the time of the survey. For example, 79 per cent of the magistrates who responded to the survey are male and 21 per cent are female, which parallels the 77 per cent of all magistrates who are male and 23 per cent who are female. The average time on the bench for respondents to the survey is 11.9 years (with a range from 1 to 25+ years) and for the population of all magistrates it is 11.2 years. The average age of magistrates who responded to the survey is 53.7 years (ages range from under 40 to 64+ years), similar to the average age of all Australian magistrates, which is 52.3 years. Almost half of the magistrates in the survey sit in courts located in capital cities. Around one in five sit in regional cities/centres and in suburban courts. Fewer than one in ten magistrates sit in remote or rural courts (Roach Anleu and Mack 2003).

Job satisfaction: national overview

Magistrates express considerable satisfaction with many aspects of their work. For many magistrates their work is a major source of satisfaction and an overwhelming majority would become magistrates again, even with the benefit of hindsight. Tables 1 and 2 report on magistrates’ satisfaction with key intrinsic and extrinsic dimensions of their work.

Overall magistrates are very satisfied with many intrinsic aspects of their work. They are satisfied with the overall work, which they find varied and interesting, as well as with the intellectual challenge and diversity of their work. Magistrates consider their work is important to the community and for many going on circuit and serving the remote areas are gratifying aspects of the work. With regard to some of the extrinsic dimensions of their work, by and large magistrates are satisfied with their salaries, hours and geographical location.
The views magistrates express about job satisfaction and workload are consistent with their views about career change. Most magistrates do not desire or plan to change their careers. Magistrates are generally satisfied with their work as magistrates; they value the challenges presented by the work and feel they are making a positive contribution to the community.

A number of both intrinsic and extrinsic dimensions of the work are a source of dissatisfaction, or at least neutrality. The intrinsic dimensions of work about which sizeable proportions of magistrates indicate dissatisfaction or neutrality are recognition of work, control over the amount of work and control over the manner of work. Control over the amount of work and control over the manner of work are indicators of autonomy, which is a hallmark of the professional status of an occupation (Freidson 1994: 173). The recognition of work relates to magistrates' perceptions of other's (eg members of the legal profession, judicial officers in the higher courts), views regarding the nature and value of magistrates work. For example, one magistrate commented in the survey:

I regret that, generally, magistrates do not receive the recognition from government and public that is justified. Magistrates courts dispose of in excess of 90% of all matters that are litigated. They do so in an expeditious, cost-effective manner. The magistrates court is, generally, the first and last occasion when a member of the public has contact with judicial system. Magistrates are under close scrutiny from the press and subject to appeal to superior courts where, given volume of cases processed, few appeals are successful. While governments have been compelled by independent tribunals to provide significant salaries, magistrates are offered little other tangible recognition. A colleague of mine recently retired, having served for more than 20 years as a magistrate. The Attorney General did not acknowledge his contribution, even in writing. A judge of higher courts in a similar situation would have been lauded.

Resources, including court facilities, technical support and opportunities for further education are sources of dissatisfaction for many magistrates, as are policies and administration and supervisors.

When asked about possible career change some magistrates express a desire to change career specifically because they regard their work as either boring or routine or too demanding and stressful. Some magistrates seek new challenges such as responsibility for supervision or training or in policy development or a move to a
higher court. Relatively few seek entirely new activities or occupations. Some magistrates indicate no desire for a career change, in light of circumstances such as age or imminent retirement, and which did not depend on a view about their attitude towards the work.

**Stress**

Magistrates make hundreds of decisions every day and deal with long court lists. Their everyday work involves considerable direct contact with members of the public, who may be anxious, fearful or hostile. This combination could result in high stress levels, which is often seen as antithetical to job satisfaction.

There are significant sources of stress in the work of magistrates. Many magistrates regard the volume of work as unrelenting and most report that the amount of judicial and non-judicial work has increased during their time as magistrates. Just over half of the magistrates find making quick decisions very stressful, although one-quarter were neutral and another quarter disagreed. More than half of the magistrates surveyed find that their work is often or always emotionally draining. Nonetheless, few magistrates lose sleep over difficult decisions and over one-third indicate that they are rarely or never concerned about their health, although another two in five are sometimes concerned.

In the survey, one magistrate describes the work as follows:

> It is not stressful in many ways but does ... [tend] to result in a rather "weighed-down" feeling after a while – I’ve found it really important to get my head out of the job and right away. I would be happier if there were stronger leadership and a more genuinely collegiate approach amongst my colleagues – but they are lawyers!

Positive interactions or relations with work colleagues (an extrinsic dimension) can be antidotes to stress. Over one-quarter (28%) of magistrates always interact with other magistrates, two-fifths (39%) often interact with other magistrates, while this is only sometimes or rarely the case for one-third (33%) of magistrates. Four in five (84%) of magistrates are satisfied (including very satisfied) with their working relationships with other magistrates.
Job satisfaction: differing views

We hypothesised that gender, years on the bench, age and location would affect magistrates’ views on job satisfaction, workload and stress. It is reasonable to expect that levels of satisfaction will either increase or decrease with time on the bench or age or vary depending on location. However, there are relatively few consistent effects. In a number of instances, gender and time on the bench are important in understanding magistrates’ responses, age less so, and location seems to have little effect on magistrates’ perceptions and experiences regarding workload, job satisfaction and stress.

The first observation is that there is considerable overlap between the views and experiences of men and women magistrates. Regarding overall work, men are more likely to be very satisfied (33% of men, compared with 23% of women), but when the ‘satisfied’ and ‘very satisfied’ responses are combined the gender difference fades. However, there are some noteworthy gender differences. Women are more likely than men to be dissatisfied with chances of progression, supervisors, control over the amount of work, policies and administration, technical support and court facilities. Men are considerably more dissatisfied than women with salary and remuneration. Proportionately more women than men consider that their work is emotionally draining and that making quick decisions is stressful, while proportionately more men consider the volume of work to be unrelenting. One dimension of significant difference relates to policies and administration. Men (26%) are more likely to be satisfied with policies and administration than are women (16%). The overall similarity in magistrates’ perceptions or views may result from selective recruitment or shared professional socialisation. That is, people with similar values or perceptions become magistrates or, during their experience as magistrates they develop similar views.

A second observation is that most of the findings regarding age or time on the bench are not linear; that is, we cannot say for most results that as magistrates serve more time on the bench or get older then they become more satisfied or more dissatisfied with a particular aspect of their work. There are some instances where time on the bench, but more so age, appears to have an overall linear effect on the experiences and
perceptions magistrates report. For example, satisfaction (very satisfied and satisfied responses combined) with court facilities increases directly with time on the bench. Similarly, as age increases more magistrates agree (including strongly agree) that their work is a major source of satisfaction in their lives. Age also has a linear effect on satisfaction with control over the manner of work: more of the older magistrates are satisfied, compared with the youngest magistrates and the responses of those in their mid-50s fall in between.

Sometimes the responses of the recently appointed and longest serving magistrates are more similar to each other and different from those of the experienced and well-established magistrates. For example, magistrates who have been on the bench for relatively short and relatively long time periods are more likely to express dissatisfaction with policies and administration than the other two groupings. Similarly, at times the responses of the younger and older magistrates are more similar than those magistrates in their mid-50s. An example of this is that magistrates in their mid-50s are most likely to agree that their remuneration is low, more than twice as likely as the oldest cohort of magistrates and three times as likely as the youngest cohort.

One major conclusion, then, is that magistrates, regardless of years on the bench, age and location, share views about job satisfaction, workload and stress. Most of the observed differences relate to level of intensity.

There are, however, higher levels of dissatisfaction among women, recent appointees and younger magistrates in relation, for example, to control over work, chances of progression and policies and administration, which may indicate that members of these cohorts have different expectations regarding the role of magistrate and/or differing perceptions about the nature of the work.

**Conclusion**

Findings from the National Survey of Australian Magistrates support a number of important conclusions. First, most aspects of magistrates work – especially intrinsic aspects – are important sources of job satisfaction for all magistrates, regardless of gender, time on the bench, age or location. Relatively few magistrates seek a career change, though some would like new challenges or different roles.

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The areas of most dissatisfaction relate to extrinsic factors, including organisational structure and administration, workload and resources, including opportunities for continuing education. While it is simplistic to conclude that such areas of dissatisfaction can be alleviated by more financial resources, for example, they are more amenable to change than the intrinsic nature of the work, which most magistrates enjoy.

Table 1: Magistrates’ satisfaction with selected intrinsic dimensions of their work by gender

<table>
<thead>
<tr>
<th>Level of satisfaction</th>
<th>Overall work (%)</th>
<th>Recognition of work (%)</th>
<th>Content of work (%)</th>
<th>Intellectual challenge (%)</th>
<th>Control over amount of work (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Very satisfied</td>
<td>33</td>
<td>23</td>
<td>7</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Satisfied</td>
<td>53</td>
<td>65</td>
<td>37</td>
<td>30</td>
<td>64</td>
</tr>
<tr>
<td>Neutral</td>
<td>8</td>
<td>7</td>
<td>29</td>
<td>35</td>
<td>19</td>
</tr>
<tr>
<td>Dissatisfied</td>
<td>6</td>
<td>5</td>
<td>21</td>
<td>19</td>
<td>6</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Total Percentage†</td>
<td>100</td>
<td>100</td>
<td>99</td>
<td>100</td>
<td>101</td>
</tr>
<tr>
<td>Total number†</td>
<td>164</td>
<td>43</td>
<td>164</td>
<td>43</td>
<td>165</td>
</tr>
</tbody>
</table>

†Percentages do not always equal 100% because of rounding.

The total number varies because not all respondents answered every question or every component of a question.
Table 2: Magistrates’ satisfaction with selected extrinsic dimensions of their work by gender

<table>
<thead>
<tr>
<th>Level of satisfaction</th>
<th>Chances of Progression (%)</th>
<th>Policies and Administration (%)</th>
<th>Technical Support (%)</th>
<th>Salary (%)</th>
<th>Interaction with other magistrates (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Very satisfied</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Satisfied</td>
<td></td>
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<tr>
<td>Neutral</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Dissatisfied</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Percentage</td>
<td></td>
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<td>Total number</td>
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</tbody>
</table>

\* Percentages do not always equal 100% because of rounding

\* The total number varies because not all respondents answered every question or every component of a question.

Footnotes

1 This research was initially funded by a University-Industry Research Collaborative Grant in 2001 with Flinders University and the Association of Australian Magistrates [AAM] as the partners and also received financial support from the Australian Institute of Judicial Administration. It is currently funded by an Australian Research Council Linkage Project Grant [LP210306] with AAM and all Chief Magistrates and their courts as industry partners with support from Flinders University as the host institution. Thanks to Ruth Harris, Mary McKenna, Libby Edwards and Rose Polkinghorne for research and administrative assistance.

2 Australia is a federal system, with national courts and a court system for each state operating separately. Commonwealth courts include the High Court, the Federal Court, the Family Court and the Federal Magistrates Court. Each Australian state and territory has a Supreme Court, and a magistrates or local court. There is also an intermediate trial court, the District or County Court, except in the smallest jurisdictions, ACT, Northern Territory and Tasmania.
In most jurisdictions, the court is called the Magistrates Court, except in New South Wales where it is the Local Court. The recently created Federal Magistrates Court is not involved in this project. At the time the project began the Federal Magistrates Court was new and not fully constituted. It has a substantially different jurisdiction from the state and territory courts, with a different relation to the superior courts and faces constitutional constraints not applicable to the state and territory courts.

References


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