



What Judges Think About the Meaning of Their Work

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Abstract

Although there have been studies about the meaning of work in fields such as health and education, there is a lack of research about the work of judges. In order to fill this gap, this article used the dimensions centrality (values and behavioural aspects comparing work and other spheres of life such as family, religion, and leisure), social norms (rights and duties), objectives, and results valued at work, to describe the meaning of work for judges. Twenty judges in Brazilian state courts of first instance were interviewed using semi-structured interview script. Data were analysed using textual and content analysis. The results showed that there is no consensus on the centrality of work, in respect of either time or the work / life balance, although most interviewees stated that the family is a priority dimension, followed by work and religion. The judges interviewed held the social norm that work is more of a duty than a right. Although feelings of frustration and happiness are counterbalanced among the judges interviewed, research data converge on the positive conclusion that work is seen as a value-generating activity for society.

Keywords: Judicial Administration, Work of Judges, Meaning of Work

1. Introduction

Individuals attribute different meanings to work, associated with values, beliefs, desires and the relevance of work. Each subject's perception is subjective and abstract. The meaning of work is the value work has for each individual, and through his expectations and values, it directs his actions (Morin, 2001). Although there is a huge of psychological literature on the meaning of work, predominantly with health and education professionals (Bendassolli and Gondim, 2014; Schweitzer, Gonçalves, Tolfo and Silva, 2016), there is a gap in the research of this subject related to judges. These professionals are at the heart of judicial performance, as they are responsible for quantity, quality and court productivity (Gomes and Guimaraes, 2013).

Judges do not only interpret and apply the law, but they also manage the courts (Mazzilli and Paixao, 2002), in addition to meeting society's expectations in carrying out a highly relevant social role (Gomes, Guimaraes and Souza, 2016). The social importance of the role of judges lies in the fact that, faced with situations of social conflict, the population expects judges to solve their problems. In other words, society considers this professional group their last hope in conflict resolution.

In order to fill a research gap this study aims to describe, on the basis of self-perceptions, aspects associated with the meaning of judges' work. The study uses the dimensions described by the MOW team (Meaning of Work International Research Team) in 1987: (i) centrality of work (both relative and absolute), based on cognition and emotion; (b) social norms - i.e. moral and ethical values towards rights and duties, and; (c) objectives and results valued at work by the professional. This study is relevant because it contributes to the knowledge about the work of judges, considered central actors in the justice system.

2. Meaning of work

The literature approaches the concept of work from two perspectives. The first is somewhat negative, as it relates to the effort, discomfort, difficulty and sacrifice involved in work. From this perspective, workers do not recognize work as having positive value. Individuals would only work for financial reasons, making the activity susceptible to changes resulting, for example, from restructuring, unemployment, underemployment and temporary hiring (Bastos, Pinho and Costa, 1995; Coda & Falcone, 2004; Kubo, Gouvea and Mantovani, 2013, and Lourenço, Ferreira and Brito, 2013). The second perspective associates work with commitment and pleasure, and self-fulfilment. In this view, there is a strong feeling of reward, since work transcends financial issues, providing the individual the conditions for social integration, and the possibility of expressing his individuality through creativity. The worker feels fulfilled and attains the desired social status (Bastos et al., 1995; Coda and Falcone, 2004; and Kubo et al., 2013).

Morse and Weiss (1955) questioned a group of individuals about whether they would continue working if they were to win the lottery or inherit an amount that would make them comfortable for the rest of their lives. The results showed that 80% of the respondents would continue working. Research carried out by MOW (1987) confirms the idea that people, even if they were able to

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live comfortably, would not stop working, because they consider work to be a connection with society as well as a source of income (Goulart, 2009; Tolfo and Piccinini, 2007; Schweitzer et al., 2016).

There are two standpoints concerning the meaning of work. The first suggests that the meaning of work is built during childhood and adolescence as part of the formation of the individual's personality. Work experiences are of less importance, making the meaning of work something static and unchanging. The second assumes that the meaning of work is built over a person's lifetime and undergoes changes. These changes and experiences make the meaning of work something more dynamic with variations occurring even in terms of values (Salanova, Gracia and Peiró, 1996, Palassi and Da Silva, 2014; Goulart, 2009).

The MOW framework assumes that the meaning of work is dynamic and influenced by the organizational and family context of the individual, which involves historical, economic, political and cultural aspects. In this sense, it was designed to evaluate the centrality of work in people's lives (MOW, 1987, Bendassolli and Gondim, 2014, Kubo et al., 2013).

Based on the assumption that the meaning of work is based on the choices and experiences of the individual, the MOW is composed of antecedent, core and consequences variables. The antecedent variables refer to: (a) personal and family circumstances, such as education, religion, and marital status, (b) current work and career history, such as position, time at home, time off, and (c) economic and social environment, such as ethnicity, number of dependants, church attendance and unions (Coda & Falcone, 2004; Kubo et al., 2013).

The core variables of the MOW framework, used in this research, deal with **centrality** of work; **social norms** about work; **valued work** results, objectives of work, and the role of work. The model also presents the consequences arising from subjective expectations about work in the future, for example the importance work will have in the future, and the objective results of work, such as the opportunity for development (Coda & Falcone, 2004; Kubo et al., 2013).

The variable **centrality** of work is based on cognition and affect. It stands for the individual's belief about the value of work in life. Considering the value and behavioural aspects through comparative analysis between work and other spheres of life such as family, religion, and leisure, the concept resolves into absolute and relative centrality (MOW, 1987; Paiva, Bendassolli and Torres, 2015).

The variable **social norms** regarding work includes moral and ethical values linked to rights and duties, and balance between rewards received from work and the contribution to society. While the orientation of rights refers to the obligations of society or organizations towards the individual, the duties are the contribution of the individual to society, linked to personal fulfilment (MOW, 1987; Bastos et al., 1995). The norms oriented to workers' rights refer to the responsibilities of organizations and society for people, in the sense that everyone should have the right to meaningful and interesting work, to have appropriate training, and to participate in decisions (Kubo and Gouvea, 2012).

Social norms synthesize the values that people attribute to work, revolving around rights and duties that involve work. While rights refer to what the worker "may do" and "deserves" from society and organizations, duties involve the obligations of the worker with respect to the organization and to society in general (Goulart, 2009). Duty-oriented standards refer to the obligations of individuals to society regarding work, and include the obligation to work for society, the obligation to secure their future and to value each person's work, whatever its nature (Kubo & Gouvea, 2012).

The third variable, **valued work** results addresses the goals and outcomes of work that the individual values. This is what work means for people in terms of their satisfaction, either during work or in its achievement. It is the real motivation that drives the individual to work (MOW, 1987; Paiva et al., 2015). The most important values were found to be income, generally considered the most important, intrinsic satisfaction, when the work is interesting and satisfactory for individuals, interpersonal working as a means to develop interesting social relationships, serving society, occupying time, and status and prestige (MOW, 1987).

The results and objectives are connected with satisfaction and motivation, respectively. To adapt the characteristics of the work to the individual or group needs, it is necessary to know what workers value. Social scientists believe that, knowing the facets of work, it is possible to clarify satisfaction and motivation at work (Soares, 1992).

3. Methodology

The entrance into the career of judge, both federal and state judges, in Brazil, takes place through public competition. Among the requirements required for the examination are legal education and three years of legal experience. After passing written and oral examinations, candidates take a training course offered by the respective state or federal courts (Oliveira and Garoupa, 2011).

Twenty judges of the Courts of Justice of the State of Goias, Brazil, were interviewed between October and December 2016. The saturation point, when respondents begin to repeat the same answers, occurred after the thirteenth interview. Brazilian state justice is an important locus of research, since it involves 79.2% of the pending judicial cases and 68.8% of the magistrates in the country (CNJ, 2017). All interviews were undertaken face-to-face with questions provided in the Appendix A, and each interviewee was informed about: a) the purpose of the research; b) there were no right or wrong answers; and c) each interviewee should answer according to his perception. Of the 20 interviews, 19 were recorded, with the agreement of the interviewees.

The average interview time was 29 minutes. The shortest lasted about 12 minutes and the longest 47 minutes. Of the 20 interviewees, 15 were men and five women. The average age of the interviewees was 45 years, and the mean time in their career was 11 years.

The second question referred to the **motivations** that lead the interviewees to work. The most quoted aspect was the possibility of minimizing the problems of the people who seek in the judge the last hope to redress some injury. Another aspect was the financial need, in the sense that well-done work is directly tied to the guarantee of financial conditions in return for the effort given to the activity. This result was also found by Morin (2001).

Eight (40%) of the interviewees related the income factor to the quality of life and family independence, as well as to the security and stability provided by the career. The results found by Stout (2001), show that the main motivation in the judges' career is to satisfy collective interests more than self-interest. While in this research almost half of those interviewees associated income with motivation to work, although the judges' work is linked to a more comprehensive idea of helping others.

When asked about the **meaning** of the work, most of the judges interviewed stated that all work has its meaning and is related to dignity, even though it is apparently not seen as significant by society. The association of meaning with something that brings practical results to society was another aspect highlighted by the judges, confirming the findings of Morin (2001), Morin, Tonelli and Pliopas (2007), Bastos et al. (1995) and Goulart (2009).

The feelings of task repetitiveness, and meaningless work were also stated by the interviewees. However, some judges understand that, even if it is routine, work has its meaning, considered as part of a larger social goal. One possible reason for this perception is that the judges interviewed are from the first instance and Brazil has a civil law tradition, where all the cases need to be analysed in-depth even if there is a jurisprudence on the subject. This criticism of repetitiveness was exemplified by judges on cases in which consumer relations between citizens and some service organizations, such as communication, water and energy suppliers, banking services, and health and wellness plans, created the greatest demands, only exceeded by labour issues.

4.1 – Centrality of Work

Concerning to the **centrality** dimension of work, **relative centrality** corresponds with the value that the individual attributes to his work compared to other spheres of life (MOW, 1987). The “family” sphere was referred to most often by the judges. Of the 20 respondents, 14 put family first, and only one interviewee considered work to be top priority. These results are in line with findings pointed by the World Value Survey - WVS (2018) for Brazil and the world and by MOW (1987) for Americans, where “family” was more important than work, unlike the results found in Japan, where work was the most important sphere followed by family. The spheres “leisure” and “hobby” were considered by most of the interviewees to be independent spheres, and, therefore, do not change the interpretation. In any case, judges consider these two spheres to be less of a priority than the others.

The **absolute centrality** of work is related to the amount of time dedicated to work, as well as affective involvement (Soares, 1992), degree of interest in work and positive feelings towards the work (MOW, 1987). In this sense, the results demonstrate a high degree of centrality of the judges interviewed, since most of them stated that they dedicate more than 1/3 of the day to the work. According to them, on average they work more than eight hours daily and the main factor that leads them to work more than the standard eight-hour day is the excessive workload.

Regarding affective involvement, five interviewees point out that bringing work home causes the workload to exceed eight hours a day. According to the interviewees, they have a positive attitude to taking cases home, because they can read the files at home without interference from noise, the telephone or interruptions, and can concentrate.

With regard to emotional involvement, the judges interviewed identified strongly with the judicial career. When asked about the lottery issue, 75% of the judges interviewed would continue to work, while only one would definitely stop working to devote more time to family. Of the twenty interviewees, only five (25%) would not continue in the judiciary but would continue working in another activity. This result shows that there are other factors besides the economic factor in the feeling of accomplishment of work for the judges interviewed. The results of this study confirm the idea that people, even if they were able to live comfortably, would not stop working, because they consider work not only as a source of income, but also as a way of relating to others (Goulart, 2009, Tolfo and Piccinini, 2007, Schweitzer et al., 2016).

4.2 – Social Norms – rights and duties

The **social norms** on work refer to moral and ethical values, linked to rights and duties. While the orientation to **rights** refers to the obligations of society or organizations towards the individual, the duties are the contribution of the individual to society, linked to personal fulfilment (MOW, 1987). In contrast with the results of Bastos et al. (1995), the majority of the judges interviewed consider work more as a duty than a right, in the very nature of the job. The commitment of these professionals to perform their jobs, to make a difference and to meet the aspirations of society is stronger than their own needs, as the law already guarantees good payment, independence, autonomy, as was also found by Morin et al. (2007).

As for the physical and technological structure, there was a consensus among the interviewees that, in recent years, there has been considerable improvement, with reforms of judicial buildings, the construction of new buildings and the acquisition of new technologies. Regarding support staff, the judges consider that the situation is still critical, given the lack of civil servants in certain municipalities, forcing the judge to depend on staff assigned temporarily from local government bodies, which causes a certain dependence of the courts on the local executive branch. This problem could have consequences as the number of court assistants has a positive influence on court productivity (Gomes, Guimaraes and Akutsu, 2016).

Two interviewees highlighted an important aspect of management routines, within the scope of judicial activity. Judges are not trained in management when they enter the career, especially in finance, maintenance of courts and human resources, and this was considered a problem that should be solved. The judges interviewed, both young and experienced, understood that there must be constant upgrading of magistrates through training in management. This confirms the results of studies by Taal, Langbroek and Van der Velde (2014), with 57% of the judges interviewed mentioning the need for constant judicial and administrative training, and 42% emphasizing that experience increase the effectiveness of the judiciary.

The concept of **duties** refers to the obligations of the magistrate to society. The majority of those interviewed mentioned the need to be always available and to serve the population efficiently, and to act with transparency and celerity. Speed in judicial decisions was stated by all the interviewees as the main duty of judges. One of the magistrates emphasized the feeling of anguish and frustration at not being able to deliver a faster output to the population because of excessive demand.

An important dimension, considered as self-criticism by the interviewees, was the need for a judge to maintain discretion in social relationships, aiming to guarantee impartiality in judgements. A question raised by two (10%) judges interviewed was assiduity and punctuality at work. One of them stated that one should fulfil working hours with commitment. The other judge rightly criticized the fact that judges do not have to fulfil the workload like any other employee, since they are members of the judiciary with exclusive dedication to their work, independent of time in the court environment.

There was a consensus among the interviewees about the need that the National Justice Council (CNJ) to control judges, to standardize court procedures in the face of many discrepancies in the Brazilian courts. A criticism made by most judges interviewed was about the high degree of politicization of the CNJ's board, making the CNJ's performance questionable, especially on issues related to the judges' careers. While in the studies by Kubo and Gouvea (2012) the results showed that social norms are the result of workers' participation in decisions on working methods, the results of this study highlight the exclusion of magistrates from career-related decisions.

4.3 – Results and objectives valued

The judges interviewed identified two **results valued**: recognition and realization. Eight of the 20 interviewees mentioned that they are not recognized and that there is no need for recognition by the population, since this is not the focus of the judiciary. The results of Posner (2004) suggests judges thought recognition by society was more important than financial gain.

About personal achievement, only one interviewee stated that he was not satisfied when comparing his work to other legal careers. According to this judge, the social responsibility of other legal careers is less than that of judges, and the workload is smaller. The majority of those interviewed said that they were held in the judiciary, either by personal considerations or as a contribution to society. Commitment to the career is linked to the choice of profession. Several judges noted that they have great affection for what they do and feel fulfilled and satisfied with their work.

About the **objectives** valued in their work, two items were selected from the original model MOW (1987): independence and autonomy. Fourteen of the 20 judges interviewed stated that they have both independence and autonomy in their work. In fact, independence and autonomy are central dimensions in the work of judges, to ensure impartiality in the judicial decision-making process.

The interviewees stress that they must maintain discretion all the time, especially in smaller municipalities where the population is closer to the judge, in order to guarantee the privacy and physical integrity of the judge. Six of the 20 judges interviewed stated that the independence of the judiciary is currently influenced by the lack of organization of the executive branch, mainly regarding the unavailability of places for the custody of minors and offenders, or even the disorganization of prisons that results in non-compliance with sentences. This dependence of the judiciary on local executive branches is sometimes a reason for changing decisions, since judges do not see a legal way out, but are constrained by the lack of vacancies in prisons, managed by the executive branch.

In agreement with the findings of Bastos et al. (1995), Morin (2001) and Coda and Falcone (2004), judges feel that their work is perceived as something positive. Only seven of the 20 respondents said they felt tired and frustrated with their careers. Several reasons were given, such as: pressure from society; questions of information distorted by the media, which portrays the glamour of the career and does not show the reality of the municipalities; work overload; the lack of definition and dependence on executive branch; feelings of insecurity and work routines.

Of the seven interviewees who feel frustrated with their work, two consider themselves burned out professionally. Only one respondent said he had no feelings about work. On the other hand, sixteen of the twenty judges interviewed stressed that they feel fulfilled with their careers. Some counterbalanced feelings of frustration and happiness, emphasizing the happiness rather than the frustration. They associated happiness with the usefulness of their work, seeing the results of their work in society.

Regarding the meanings of work, most of the interviewees confirm that, for a job to make sense, it must be useful and bring concrete results to society. The approach and access to petitioners, lawyers and prosecutors were also associated with work that makes sense. Isolation creates a feeling of meaningless in work. Dignity and probity give a job meaning, as one respondent observes, agreeing with the study of Oliveira, Gonçalves, Melo, Fardin & Mill (2004), in which a meaningless work is that which conflicts with personal values. Similarly, routine activities, as in the studies of Oliveira et al. (2004), Morin et al. (2007), Coda and

Falcone (2004), such as issues with consumer matters and electronic processes, were associated by the judges with repetitive and mechanical work that is meaningless.

Another issue pointed out in the interviews that affects the work of the Judge refers to the mechanisms to monitor and control the work of judges. Justice administration and governance bodies, such as the National Justice Council (CNJ), aiming to push the efficiency of the Justice, define productivity indicators and reports to be made. The administrative tasks of the judges are amplified with the production of information and reports intended to compose the CNJ databases, which compete with the core activities of judging lawsuits. Fourteen of the 20 interviewees, 70% of the total, although agreeing to be required to inform society what the Judiciary does, reported that the time spent by judges on administrative tasks is significant and that this is further aggravated by the fact that they do not have training in management.

5. Conclusions

The research data confirm the positive pattern of work found by MOW (1987), where the judges see their work as an activity that generates value, and, in addition to providing personal financial rewards, contributes to society. However, there was no consensus among interviewees on some dimensions such as the centrality of work. Some judges claimed that they spend more than eight hours a day and take work home even on weekends. On the other hand, other judges said that at the beginning of their careers, this attitude was normal, but over time and experience they work only sufficiently and in the court environment, except in emergencies.

Most of the judges interviewed associated the meaning of work with some practical results for society. That is, the usefulness of work is what defines its meaning. Most interviewees stated that family is more of a central priority, than work and religion, as was reported in the literature. Regarding to the social norms governing career rights, some of the judges interviewed are concerned about the excessive demands on the courts, which can cause work overload, generate frustration and lack of motivation.

Unlike the results found by Bastos et al. (1995), in our study the judges view work as a duty rather than a right. The recognition of the work of judges by society did not produce agreement among the interviewees. Some consider recognition important, while other judges say that they should not depend on this issue, since that is not the purpose of the career. The important thing for these interviewees is for the judge to act in an impartial and committed way in the service of the public, and that recognition is merely a consequence of the work done.

Broadling speaking, the feeling of frustration is counterbalanced by satisfaction for the judges interviewed, although some of them feel more tired, stressed and overwhelmed, due to the workload. The judges interviewed believe that the judiciary should be closer to the general public to avoid distortions caused by the media. Social media have played an important role in minimizing this distance from the judiciary.

The courts could use the media to improve their methods of disclosing results in order to maintain the independence and transparency of judicial acts (Schutz & Cannon, 2013). The use of social media has been viewed with some apprehension by judges. On the other hand, these professionals view these new technologies as a stimulating opportunity to show the population "who we are" (Gibson, 2016).

The findings of this research provide important contributions to public policies related to judicial administration in aspects such as: a) understanding the meanings and motivations regarding the work of the judge, key person in judicial performance; b) reinforce the need to train judges in the field of administration, given that this is a skill gap for these professionals; c) signaling for the use of new technologies in order to bring users closer to the Judiciary.

Finally, it is possible to state that one limitation of this research is that the data were collected from a small group of the Brazilian state judiciary, which restricts the generalizability of the results. As a research agenda, we suggest addressing the subject of the meaning of work in comparative studies with judges from other countries, as well as other branches of the judicial systems, and using other research techniques to deepen the understanding of the courts context.

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APPENDIX A – Interview Script

1. What comes to your mind when you think of work?
2. How important is work in your life? Why do you work?
3. What is a work that “has” and “has not” a meaning to you?
4. Regarding to work and other areas of your life, please prioritize the following activities: Work, Family, Leisure, Hobby, Religion, Community.
5. How much of your time, in percentage, do you dedicate to work? Is there seasonality of work pace?
6. If you won a lot of money (lottery, inheritance, income, etc.), enough to live comfortably for the rest of your life, what would you do about work?
7. What has society done, or could it do, to contribute to his work?
8. What has the judiciary done, or could it do, to contribute to his work?
9. What duties do you think you have regarding to society?
10. What duties do you believe you have regarding the judiciary?
11. Do you feel recognized and fulfilled with your work? What aspects corroborate your response?
12. In terms of independence, do you consider your work well done?
13. How do you feel about the work you do?
14. What is work that makes or does not make sense to you? Have you ever done meaningful job?

We are nearing the end of the interview. Please feel free to add any comments that you may deem helpful regarding the meaning of the judge's work.

