



Emotion work: an exploratory Study of Experiences Among Family Law Practitioners

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**Emotion Work: An Exploratory Study of Experiences Among Family Law
Practitioners**

Andrea Subryan

A thesis submitted in partial fulfilment of the requirements of
Sheffield Hallam University
for the degree of Doctor of Philosophy

October 2020

Candidate Declaration

I hereby declare that:

- 1. I have not been enrolled for another award of the University, or other academic or professional organisation, whilst undertaking my research degree.**
- 2. None of the material contained in the thesis has been used in any other submission for an academic award.**
- 3. I am aware of and understand the University's policy on plagiarism and certify that this thesis is my own work. The use of all published or other sources of material consulted have been properly and fully acknowledged.**
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Definition of Terms

Family Law Practitioners - paralegals, solicitors, and partners who practice or have practised Family Law in England and Wales.

Firm – pertaining to law firm or legal organisation. In this thesis, both ‘firm’ and ‘organisation’ are used interchangeably to mean law firm.

Law Society's Family Law Protocol - offers guidance on good practice in family law matters to family practitioners including Solicitors, paralegals, legal executives and clerks.

Privately funded cases - cases which are paid for by private funds.

Publicly funded cases - cases which are paid for with public funds or legal aid.

Resolution Codes of Practice (RCOP) - a set of rules requiring Members of Resolution to resolve disputes in a non-confrontation and constructive way by agreement (Appendix 2).

Solicitors Regulation Authority (SRA) Code of Conduct – a set of rules and regulations regarding the standard of professional conduct of all Solicitors in England and Wales, registered European lawyers, registered foreign lawyers and other recognised bodies.

SRA Principles - a set of ten mandatory principles applicable to all Solicitors (Appendix 1).

Stakeholder - defined as those who may interact with family law practitioners as part of their duties. For example, court staff, judges, colleagues, clients, managers, and partners.

Abstract

Family law practitioners can potentially experience display rule conflict in the workplace. Such conflicts result when family law practitioners comply with competing display rules from their profession, their organisation, and their clients. Research relating to display rule conflict is in its infancy. The phenomenon of display rule conflict was explored to contribute to knowledge in the literature and to inform family law practitioners of such conflicts and how to cope with them. To this end, a hermeneutic phenomenological study was conducted on family law practitioners' workplace experiences of display rule conflict. Two sociocultural theories, professional identity theory and community of coping theory, underpinned this study.

Semi-structured interviews of ten family law practitioners comprising partners, solicitors, and paralegals provided data which were analysed by inductive thematic analysis and qualitative hermeneutic phenomenology. Findings revealed four themes: expectations, professional identity, support by offloading, and learning. Furthermore, all participants experienced emotional complexities, tensions and conflicts when they complied with competing expectations to manage and display appropriate emotions during interactions with stakeholders in accordance with diverse formal and informal display rules. Additionally, family law practitioners formed and participated in communities of coping as a means of dealing with display rule conflict. The theme, learning, threaded through the other themes where incidental learning in communities of coping or intended learning in communities of practice were of significant value to participants in this study. It is through learning that family law practitioners were able to recognise expectations from stakeholders and display rule conflicts in various forms and find ways of coping with such conflicts. Time constraints, identity conflict, and power status factors influenced the extent to which knowledge was shared in communities to negotiate the professional identity of the family law practitioners and to uphold perceived power imbalances in the workplace.

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Chapter 1: Introduction

This research is about emotion work and its management among family law practitioners in the UK. Family law practitioners engage with emotion work to comply with various display rules at work. Complying with a myriad of display rules could lead to experiences of display rule conflict in the workplace. Display rule conflict, in this study, refers to the perceived conflict or tension one experiences when complying with multiple display rules during interactions with a range of stakeholders. This study explores the experiences of family law practitioners with respect to display rule conflict and to understand how they deal and cope with such conflicts.

I formally introduce my thesis in this chapter. The research takes a hermeneutic phenomenological approach to explore and understand display rule conflict among family law practitioners. In this study, family law practitioners include partners, solicitors, and paralegals. I begin with the rationale for the study, followed by a discussion regarding the purpose of my study. I then provide an outline of the legal and family law contexts as it currently stands in the United Kingdom as well as my own experiences of complying with display rules as a family law practitioner. Following this, I discuss my aims, objectives, and research questions. Finally, I provide an outline of the remaining chapters in this study.

1.1 Rationale

My rationale for conducting this study stems from my own experience as a family law practitioner. I found that I was regularly required to manage my emotions when I interacted with clients and associates, including managers, colleagues, and other legal professionals. Each of these stakeholders had different emotional expectations of me as I carried out a range of roles. I often experienced a tension when complying with these different emotional expectations. I felt driven to explore whether other family law practitioners experience such conflicts when complying with various display rules and how they deal with such conflicts. Such knowledge would be of value in considering

how family lawyers interact with a range of stakeholders in accordance with diverse display rules.

As I consider my experiences further, I realise that managing emotions in the workplace is commonplace. However, as a family law practitioner, there was a fine balance of showing the appropriate amount of emotion in a professional context. Law is both a profession and an industry. The profession is responsible for the ethical representation of clients. The industry involves delivering competitive legal services. Together, these notions have led legal practitioners to focus more on providing efficient and measurable services to clients who are demanding faster and cheaper solutions (Cohen, 2018). With a focus on providing such services and meeting such demands, emotion management is seen as a core skill in the drive for competitive advantage through the use of emotions such as excitement, calmness, and even persuasion (Bolton, 2004).

For many organisations in the service industry, there is an emphasis on the value of using emotions during face-to-face interactions between employees and customers (Miller, 2009). Yet, some organisations, such as law firms, do not generally provide formal training for employees on how to manage emotions in the workplace. Nevertheless, it is important to acknowledge the use and management of emotions in business relationships. As seen in literature, there are different ways in which employees can manage emotions at work (Ashforth & Humphrey, 1995). Further, emotions in organisations have been studied from a range of perspectives.

Research surrounding the use and management of emotions in the workplace gained traction following Hochschild's (1983; 1979) seminal works on emotion management in which two concepts were developed: emotion work and emotional labour. Notably, these concepts are often discussed interchangeably perhaps because the terms imply that managing one's emotions can be hard and stressful (Dickson-Swift, James, Kippen & Liamputtong, 2009; Zapf & Holz, 2006; Bolton, 2004; Strazdins, 2000). In my study, I focus on the use of emotion management by family law practitioners to produce an emotional state in people with whom they interact while

simultaneously managing their own emotions (Steinberg & Figart, 1999). In this way, the family law practitioners are personally choosing to manage their emotions for their own uncompensated benefit (Callahan & McCollum, 2002). This focus aligns with the concept of emotion work.

Family law practitioners conduct a significant amount of emotion work to meet requirements of display rules imposed on them by stakeholders (Yakren, 2008; Melville & Laing, 2007). Display rules indicate which emotions are appropriate and how family law practitioners should express them to others (Diefendorff & Richard, 2003; Grandey, 2000). Family law practitioners assume multiple roles at work. Such boundary spanning work (Needham, Mastracci & Mangan, 2017) involves adhering to several display rules simultaneously. Display rule conflict may occur when family law practitioners comply with a single display rule or attempt to comply with multiple display rules simultaneously. For the purposes of my study, I focus on three different types of display rules. These rules will highlight the different types of tension that may exist for family law practitioners. The three display rules represent the most common ones encountered by family law practitioners in the daily practice. The first is organisational display rules which refer to the emotional expectations from the organisation. The second is professional display rules which relate to the emotional expectations of the profession. Finally, the third display rule is informal client display rules, which are the emotional expectations of clients

Experiences of conflict in the workplace could lead to pain and stress (Frost, 2004). More recent studies have investigated the relationship between emotion work and psychological strain (e.g., Brotheridge & Lee, 2002; Zapf, Vogt, Seifert, Mertini & Isic, 1999). Studies have shown that employees report a certain degree of stress in the workplace due to emotion work (Macdonald & Sirianni, 1996; Hall & Spector, 1991). In the period 2017/2018, Britain reported that 0.6 million workers suffered from work-related stress and 15.4 million working days were lost as a result (HSE, 2019). Britain lost approximately £5.2bn in 2017/2018 (HSE, 2019) due to workplace stress. Organisations seek to manage the use of emotions through a range of formal and informal display rules. Induction programs, training manuals or observations at work (Mann, 1999), are the media through which companies

usually communicate these rules. However, although employees do not generally receive emotion work training, they are often expected to manage their emotions effectively and are rarely paid nor recognised for it. It is timely to explore experiences of display rules conflict among family law practitioners and how they deal with such conflict. I now discuss the purpose of my study.

1.2 Purpose of study

My purpose in conducting this study is two-fold. Firstly, to explore the experiences of display rule conflict among family law practitioners when interacting with different stakeholders. Secondly, to understand how these practitioners deal and cope with conflicting display rule expectations in the workplace. I identify two types of display rule conflict: intra and inter display rule conflict. The former refers to conflict which can be experienced within each display rule, while the latter refers to conflict between multiple display rules. These two types of display rule conflict provide some insight into the potential depth and emotional complexity involved in complying with multiple display rules simultaneously. In order to understand such emotional complexities, it is pertinent for me to discuss the legal profession and family law contexts as the focus of this study.

1.3 Context of the study

I consider the context of this study from two perspectives. The first is the perspective of the legal profession and the second is that of family law practice. Family law practitioners are an ideal context for research into display rule conflict. Notably, some degree of commonality exists between the legal and family law contexts since in both cases legal practitioners must interact with a myriad of stakeholders. The context of research into the practice of family law is particularly worthy of study because of the emotive nature of family law situated within a traditionally emotionless profession (Harris, 2002).

1.3.1 Legal profession context

Despite emotion work research into other occupations being replete with many significant studies (Fineman, 2000), few empirical studies have explicitly focused on the emotion work of professionals in general (Harris, 2002). Some

salient characteristics are common to professions. Some of these include belonging to a professional association, subscription to a code of ethics, thereby providing specialised power and prestige, and having the identity of an elite group in society (Larson, 1979). Furthermore, members of the legal profession are known to possess qualities of detachment, autonomy, high systematic knowledge and strong community orientation (Brown, 1992). Accordingly, professionals attain status by establishing and maintaining a social distance from clients during interactions (Mather, McEwen, & Maiman, 2001). Such interactions are directed by professional ethics and codes of conduct and practice (Hutchinson, 1998). Professional ethical codes exist to regulate behaviour to present the profession as a unified and autonomous body which holds itself to high service standards (Francis, 2005).

The current legal system of England and Wales is unlike that of other jurisdictions such as United States of America and France. It distinguishes between the roles of barristers and solicitors (Harris & O'Malley, 2000). Whereas barristers tend to undertake more advocacy at court, solicitors work directly with clients daily, which is more transactional. For the purposes of this study, I focus on legal professionals who work directly with clients. This is because legal professionals who work with clients and manage a caseload may have different experiences of the display rule conflict phenomenon than other professionals who interact to a lesser degree with clients.

Traditionally, there have been four principal routes into the legal profession (The Law Society, 2016). To qualify as a solicitor, one must earn a university qualification and then the post-graduate qualification of the Legal Practice Course (LPC). The final stage before qualification is the training contract, which involves a two-year placement undertaken by trainee solicitors. During the training contract, the trainee solicitor works in several different legal departments to gain experience in both contentious and non-contentious areas of law. At the end of their training contract, trainee solicitors can move into a specialist area of law. As the two-year placement takes place in a firm, the trainee solicitor is also socialised both in relation to legal and firm culture. A second route into the legal profession as a qualified solicitor is to obtain a

non-law university degree and to pass either the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL). After the GDL, solicitors must complete a vocational course and training contract. The third route is to qualify as a Fellow of the Institute of Legal Executives (FILEX). It should be noted that this qualification can be used to qualify as a solicitor by completing the LPC. The fourth route is through a transfer from being qualified as a barrister by passing the Qualified Lawyers' Transfer Scheme (QLTS).

There are other legal roles which do not necessarily require a formal qualification. A paralegal, for example, is qualified by education, training or work experience, and can be employed to perform and assist with legal work for which a qualified lawyer is responsible. Thus, a paralegal is not a lawyer. However, they can carry out the duties of a solicitor. A paralegal does not have rights of audience which means that they cannot undertake any advocacy at court. Similarly, a paralegal cannot file documents or make applications at court. Commonly, however, there is very little difference between the roles of paralegals and qualified solicitors when it comes to interacting with clients.

Irrespective of the route into the legal profession, it is noted that legal professionals are often taught to be distrustful of emotions. As such, they are expected to be unemotional, rational, and detached during professional interactions. Further, in this professional context, emotions are perceived as chaotic and unpredictable feelings that can interfere with cool and rational thought (Spain & Ritchie, 2016). Yet, in legal practice, emotions have been known to shape some areas of law, such family law. Emotions such as empathy and anger can influence what actions should be taken in a family law case. Where such paradoxes exist between the distrust of emotions and the use of emotions, it becomes an interesting context to study. I now outline the family law context in this study.

1.3.2 Family law context

The practice of family law in England and Wales is well established. According to The Law Society (2018), family law encompasses all issues relating to children and family law such as personal relationships, relationship

breakdown, and children in the context of divorce or separation. Additionally, family law includes children in public law and cross-border disputes. In this study, I define family law practitioners as those practitioners who deal with divorce, finances, private law children work, domestic abuse, and cohabitation disputes. A family law practitioner may be instructed by any adult party in a case including the mother, the father, or cohabitants. I exclude family law practitioners who work on public law children cases as I consider the emotions and stakeholders involved in these types of cases to be different to those involved in the private law areas noted above. Notably, the cases that I consider to be relevant to family law practitioners in this study, deal with high levels of emotions and therefore, one can find many instances of emotion work.

From the moment a client instructs a family law practitioner, both parties in the case can experience a myriad of emotions. The client may be on the verge of realising that their life is going to change in a drastic way. Perhaps it is ending because a spouse was unfaithful. Or perhaps it is because of physical abuse in the relationship. Whatever the reason, most people can understand that divorce is seldom easy and can be considered a life changing event. Often getting a divorce means dealing with two concepts most important to people, that of family and money. The case is likely to become even more emotional where there are children involved. Each parent may be fighting to get as much time with their children as possible. Perhaps one of the parties has threatened to abduct the children. The parties to a family law case are likely to experience a range of emotions including frustration, relief, anger, happiness, hate, or joy.

A large part of the varied role of the family law practitioner is to represent every client in their own unique case. Representing a client involves extensive communication with a multitude of stakeholders across varying levels of the profession. Such stakeholders can include the opponent or their legal representative, colleagues, other legal professionals, court staff, and judges. The family law practitioner's use of autonomy and specialised power means he or she can decide how to execute this role and communicate with different stakeholders. Each of these stakeholders in turn has different behavioural and

emotional expectations from the family law practitioner which may, at times, be at odds with each other. For example, a client may expect their solicitor to display anger towards the other party in court. However, the judge would expect the solicitor to display professionalism and remain emotionally detached to argue their client's case rationally (Harris, 2002; Fineman, 1993; Henderson, 1987). Since the court room is an emotional arena, the professional expectation to remain detached may be extremely demanding for them (Roach Anleu & Mack, 2005), particularly where the family law practitioner has a long-standing relationship with the client. Concurrently, the solicitor's manager may expect the solicitor to be business-like with the same client who has not paid an outstanding bill. The solicitor must always decide how to prioritise these emotional expectations.

There is potential for a wide range of emotions and emotional expectation in a family law case. The family law practitioner must manage their own emotions as well as the emotions of others. Further, such management of emotions must be done in a profession which requires the practitioner to be emotionally detached. As emotion management can lead to either positive (Leidner, 1999) or negative (Hochschild, 1983) outcomes for employees, it is essential that managers understand and acknowledge the role of emotion work in the practice of family law. I now turn to relate my experiences as a family law practitioner to contextualise the emotion work involved in this profession.

1.4 My experiences

I practised family law for over ten years. Following the traditional route, I qualified as a solicitor upon gaining an undergraduate law degree and completing the Legal Practice Course. Following this period of preparation, I undertook a two-year training contract. As I reflect on my legal education, I realise that socialisation into the legal profession began at law school. My socialisation process as a family lawyer continued during my training contract and it was as I practised family law that I gained further extensive socialisation experience. It was a steep learning curve for me since I did not learn about emotion expectations from different stakeholders during my degree. It was as though it was assumed that I already knew how to manage emotions at work.

I gained knowledge and understanding of managing emotions at work from experience and observations. It was only when I became a qualified family law practitioner and managed my own caseload and spoke to other colleagues about my positive and negative experiences at work that I learned about professional emotions. I realised that as a family law practitioner I had to manage my emotions depending on with whom I interacted during my duties. Although, I learned to recognise that emotional expectations were not always aligned, there were still occasions on which I experienced display rule conflict.

Occasionally, I experienced a conflict or tension when complying with several display rules simultaneously. Sometimes deciding which display rule to observe was a straightforward process. However, there were instances during which I felt bewildered and this feeling resulted in anxiety and confusion. I struggled to decide which display rule to prioritise. However, my anxiety and confusion improved when I started to discuss my situation with colleagues. Although I was able to discuss work related issues with colleagues, I did not feel that I could discuss any personal struggles. On reflection, I think this was mainly due to the culture in the firms in which I worked. I refrained from engaging in any discussion about personal struggles or my feelings in the workplace since I did not know whether any of my colleagues felt the same way or had similar experiences.

As I embark on this research, I acknowledge my pre-existing notions about display rule conflict and feel it is appropriate to approach this study from an emic perspective. I understand that researcher bias can occur at any stage in the research process (Smith & Noble, 2014) and so, in declaring my pre-existing notions, I am alerting my readers that there may be some bias in my data collection, analysis or reporting of my findings. I address these factors in chapter 4. I now turn to outline the aims, objectives, and research questions in my study.

1.5 Aims, objectives, and research questions

The aim of my study is to explore the experiences of display rule conflict of family law practitioners at work. This aim will be achieved through obtaining varying perspectives of compliance with various display rules from family law

practitioners. As I seek to gain insights into how family law practitioners cope and deal with complying with multiple display rules, I aim to expand the borders of knowledge in relation to the concept of communities of coping among family law practitioners.

The objectives of this study reflect the factors that feature in the notion of display rule conflict among family law practitioners. Notably, I did not intend to evaluate the practice of family law, the practitioners, or their law firms. I set out to explore the experiences of display rule conflict among family law practitioners in their workplace as well as to discover the ways in which practitioners coped with such conflict. Therefore, my objectives are to:

- Understand experiences of display rule conflict among family law practitioners.
- Explore the ways in which family law practitioners deal with display rule conflict.
- Evaluate the influence of display rule conflict on family law practitioners based on their interviews.

A research question not only drives the study, but also influences the outcome of the study. As such, my research questions are:

1. What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders?
2. How do family law practitioners deal and cope with display rule conflict in the workplace?

The research questions warrant a sociocultural theoretical framework that focuses on professional identity theory and communities of coping. Given that display rule conflict involves interactions among family law practitioners and stakeholders, I need to understand these interactions to interpret my data. Professional identities can be influenced using emotions and emotional exchanges on the job (Isenbarger & Zembylas, 2006; Zembylas, 2003). The professional identities of family law practitioners originate in law school (Henderson & Farrow, 2009). As family law practitioners progress in their careers, their lived experiences interact and may conflict with previous

expectations about what it means to be a family law practitioner (Colby & Sullivan, 2008). In complying with diverse display rules, family law practitioners may choose a variety of manners through which to display required emotions. Such choice of displays may become embedded into the family law practitioner's sense of self and repertoire of emotion skills necessary for meaningful interactions and relationships at work (Turner & Stets, 2006; Ashforth & Humphrey, 1993; Hochschild, 1983). Thus, the ways in which a family law practitioner perceives and prioritises diverse display rules could inform their professional identity development and influence the choices they make about which emotions to display. In exploring the experiences of display rule conflict among family law practitioners, it is appropriate to use professional identity theory in this study.

The use of communities of coping theory is also appropriate in my study. Communities of coping form support systems for service workers and may emerge when employees encounter tensions on the job due to conflicting display rules (Domagalski, 1999; Fineman, 1996). This theory can be used to address how family law practitioners may cope with any perceived display rule conflict. I consider a hermeneutic phenomenological methodological approach as appropriate to address my research questions. I choose this qualitative approach because it will enable me to explore and interpret the social world and lived experiences of the family law practitioners in my study (Bryman, 2004; Blaikie, 2000).

My data collection process involves semi-structured interviews with ten family law practitioners. The data analysis would be done using a combination of inductive thematic analysis and qualitative hermeneutic phenomenology. As a widely accepted method of analysing qualitative data, inductive thematic analysis will be utilised as a means of identifying themes found in transcribed interviews. It will enable me to provide a rich, detailed and complex account of the data. A Gadamerian hermeneutic phenomenological approach will also be utilised alongside thematic analysis so that I can understand the meanings of experiences that participants may discuss in interviews. In the final section of this chapter, I outline the structure of my thesis.

1.6 Structure of thesis

In chapter 2, I critically examine the research foci of display rule conflict among family law practitioners within the context of relevant literature. Firstly, I review the origins and management of emotions and emotion work in the workplace. Next, I discuss the literature relating to three display rules to which family law practitioners must adhere to practice their craft. I then discuss how display rule conflicts can arise among family law practitioners and can influence how they carry out their roles. I then explore the ways in which family law practitioners manage emotion and practise emotion work in order to comply with various display rules. Next, I explore the boundary spanning role of a family law practitioner and address notions of role conflict as well as the organisational pain and toxicity that can ensue. Lastly, I discuss the two theories that underpin my study.

Chapter 3 outlines my research philosophy in which I present the philosophical assumptions underpinning this research. I start by discussing my epistemological, ontological, axiological assumptions and my emic perspective and how they support my choice of research paradigm of interpretivism. I then discuss the philosophical assumptions underpinning this research, as well as introduce the empirical strategies utilised in my study. Finally, I address my reflexivity in this research.

In chapter 4 I describe and justify my methodological approach in this study. Here I present the methods and procedures I utilised in this study to address my research questions, my aims and my objectives. I then show how my methodological approach of Gadamerian hermeneutic phenomenology led to my research design which determined my ethical considerations, the development and application of my data collection instrument, and the trustworthiness and validity of my study. I also include in my research design, my pilot study carried out prior to undertaking this research, my sample selection process, demographics of my participants and the methods I utilised to analyse the data. Finally, I acknowledge the methodological limitations associated with my research. I proceed to present my findings in chapter 5. I discuss the four themes which emerged in my study. In addition to presenting my themes, I also provide an initial discussion in relation to how my findings

align with literature. The substantive discussions are contained in chapters 6 and 7.

In chapter 6, I address my first research question. In doing so, I discuss the emotional complexities and tensions and conflicts as identified by my participants. First, I demonstrate how a display rule can create emotional complexities for a family law practitioner. I then focus on the intricate nature of inter display rule conflicts and how this can influence family law practitioners. Next, I consider how tensions and conflicts can lead to organisational pain for family law practitioners. Finally, I examine the concept of emotion work as it relates to display rule conflict among my participants. In chapter 7, I address my second research question. In this chapter, I will focus on the ways in which family law practitioners cope with intra and inter display rule conflict. I discuss both the formal and informal means by which my practitioners cope with display rule conflict. In relation to informal means of coping, I discuss extensively the tensions and conflicts that can exist in communities of coping. Finally, I discuss my theoretical framework as I consolidate my findings based on my research questions.

I conclude my thesis in chapter 8, and I summarise my work. I confirm the approach I took to achieving my aims, objectives, and research questions. Then, I demonstrate the significance of my study as well as the contributions my thesis makes to knowledge, theory, and practice as a result of my findings. I then identify the limitations of my research and suggest future research that can further expand my findings on display rule conflict among legal professionals. Finally, I reflect on my PhD journey.

In this chapter, I provided the rationale and purpose of my study. I set out the legal and family law context and acknowledged my own experiences as a previous family law practitioner. I established my research aims, objectives, and research questions. Finally, I outlined the structure of my thesis. A critical review of the literature in relation to display rule conflict follows in Chapter 2.

Chapter 2: Literature Review

In this chapter I critically review the literature on display rules, the management of emotions and emotion work in the workplace. I begin by acknowledging that the use and display of emotions in the workplace is inevitable. I review the notion that employees use emotions to comply with display rules as advocated by many stakeholders. Next, I critically evaluate the literature on display rules and how they inform and guide legal practitioners in their daily roles. For the purposes of my study, I focus on three different types of display rules that address potential tensions and conflicts that they can pose for family law practitioners. I then discuss how display rule conflicts can arise among family law practitioners. Following this, I review the extant literature regarding the concept of emotion work and the various ways in which it can be performed. I then discuss my perspective of emotion work among the literature. Next, I explore the numerous roles of a family law practitioner as they span boundaries both within and outside their organisations. I then address role conflict that may occur for family law practitioners in their boundary spanning roles as well as the organisational pain and toxicity that can ensue. The concepts of emotion and power for family law practitioners are then evaluated as further dimensions of tensions. Lastly, I discuss the two theories that underpin my study. Firstly, I address emotions in the workplace.

2.1 Emotions in the workplace

Historically, the workplace was viewed as a rational setting where emotions were seen to hinder systematic results (Grandey, 2000). As Putnam and Mumby (1993) argue,

“bureaucracy perpetuates the belief that rationality and the control of emotions are not only inseparable but also necessary for effective organisational life” (p. 41).

As such, ethical standards in the legal profession have compelled the professionals to maintain social distance and prohibit expression of unregulated or inappropriate emotions, especially when dealing with clients (Roach Anleu & Mack, 2005). However, over the years, a shift in the global economy resulted in a review of the service industry and how employees conducted face-to-face emotional communications with customers and clients

(Miller, Considine & Garner, 2007). The study of emotions in work settings has a long history (Brief & Weiss, 2000). Further, research on emotions in organisations has grown exponentially over the past three decades (Ashkanasy, Härtel & Zerbe, 2002; Fineman, 2000). These studies span an array of academic disciplines and are influenced by a diversity of theoretical perspectives (Miller et al., 2007; Bono & Vey, 2005). Researchers found that the concept of emotions in the workplace is contextual and therefore, highly contested (Grandey & Gabriel, 2015; Mesmer-Magnus, Dechurch & Wax, 2012). Despite these varying views of emotions, it is commonly understood that the use of emotions is inevitable in the workplace and they form an integral and indivisible part of everyday organisational life (Ashforth & Humphrey, 1995; Albrow, 1992).

Fineman (2003) argues that organisations are emotional arenas with a myriad of emotions. Certain events at work could give rise to specific emotions such as the pain of anger after dealing with a dissatisfied client, or the feeling of fear due to organisational changes such as redundancies (Jonker & Botma, 2012). As Frost (2004) argues, such emotional pain is inescapable in organisation life and as such, attention should be paid to managing that pain so that it does not lead to toxicity in the workplace. Emotions experienced at work could lead to positive (Leidner, 1999; Ashforth & Humphrey, 1993) or negative outcomes for the employee (Morris & Feldman, 1996; Hochschild, 1983). Employees who enjoy greater emotional autonomy and fewer organisational controls on emotional expression tend to experience positive outcomes (Brown, 2010). Emotional autonomy is known to foster closer links with clients and enables flexible responses which lead to greater job satisfaction and more positive well-being outcomes (Brown, 2010; Ashforth & Humphrey, 1993; Wharton, 1993). However, negative outcomes can affect an employee's level of stress and well-being resulting in burnout, fatigue, irritability, and frustration (Hochschild, 1983). Regardless, employees are expected to manage their emotions at work.

Employees manage their emotions at work to reflect appropriate behaviour and as such, this concept is referred to as emotion management. Lively and Weed (2014) define emotion management as,

“one’s attempt to bring one’s experience or expression of feeling in line with existing feeling and display rules” (p. 202).

It follows then, that the employee can manage his or her emotions to express or display a more appropriate reaction and attain organisational goals (Schiopu, 2014; Mann, 2004; Grandey, 2000). Organisations seek to postulate which emotions are appropriate and how they should be expressed to others through formal and informal display rules (Diefendorff & Richard, 2003; Grandey, 2000). A display of the appropriate emotion to clients can enhance their attitude towards the employee and the organisation (Pugh, 2001). In the next section, I provide an overview of display rules.

2.2 Overview of display rules

Display rules refer to culturally determined rules which governs when one should express certain emotions, where, and to what extent (Safdar et al., 2009). They are used to train people to automatically modify elicited emotional reactions according to context-specific demand characteristics (Matsumoto & Juang, 2013). Display rules can be found in different contexts including organisations, within professions, and among stakeholders, such as clients. In my thesis, display rules are the criteria that govern appropriate emotional expression in work-related contexts (Rafaeli & Sutton, 1989; Sutton & Rafaeli, 1988; Hochschild, 1983). Several factors influence display rules in the workplace. They determine the type and range of emotions to be displayed (Hochschild, 1983). Generally, display rules can be viewed as a social necessity that can guide human behaviour and interpersonal performance at work (Diefendorff & Gosserand, 2003). In this section, I provide an overview of display rules in work-related contexts.

Research acknowledges and supports the benefits associated with the expression and use of emotions on the job. Further, it is noted that it is essential that both employees and employers understand how to use emotions to influence other stakeholders’ emotional reactions (Jordan, Lawrence & Troth, 2006). Hochschild (1983) refers to ‘feeling rules’ rather than ‘display rules’. Whereas ‘feeling rules’ govern the direction, intensity, and duration of an emotion at work; ‘display rules’ refer to norms regarding how an emotion is

to be expressed (Turner & Stets, 2006). I use the term 'display rules' rather than 'feeling rules' as I align with Ashforth and Humphrey (1993) and Rafaeli and Sutton (1989) who argue that it is easier to discern outward displays of emotions rather than to unobservable internal feelings. Such observable emotional displays when practiced by employees have the potential to significantly influence customers. Historically, research on display rules has focused on organisationally appropriate emotional displays towards customers. However, such studies have not considered that display rules can vary by target (e.g. profession, organisation, and customers), emotion, and cultural context (Grandey et al., 2010; Geddes & Callister, 2007; Sloan, 2004; Diefendorff & Gosserand, 2003). Cultural norms create shared understandings about how members of a culture or community should behave (Schein, 1985).

Display rules are generally a function of societal norms, occupational norms, and organisational norms (Rafaeli & Sutton, 1989). Within an organisational context, such rules significantly influence customer's satisfaction (Rafaeli & Sutton, 1987). Display rules may be implicitly or explicitly communicated (Diefendorff, Richard & Croyle, 2006; Van Dijk & Kirk-Brown, 2006; Tschan, Rochat & Zapf, 2005). Such rules can be explicitly imposed through means such as induction, recruitment, training, policy, performance appraisals, culture, and supervision (Cropanzano, Weiss & Elias, 2004; Diefendorff & Richard, 2003; Grandey, 2000; Kruml & Geddes, 2000). On the other hand, implicit communication of display rules tends to occur through more intangible means such as socialisation and observations in the workplace (Grandey, Rafaeli, Ravid, Wirtz & Steiner, 2010; Cropanzano, Weiss & Elias, 2004; Brotheridge & Grandey, 2002).

Display rules can also influence professional norms which may be part of professional training and standards (Van Maanen & Kunda, 1989). Professional display rules can be seen in professional codes of conduct or behaviour codes. Other aspects of professional training, such as socialisation, may provide experiences or observations of professional norms which must be practised. Professional display rules dictate a different set of emotional displays for the employee, such as the display of neutral emotion, which may serve to reinforce professional standards.

Stemming from societal norms, display rules among stakeholders such as clients can also add a further set of rules with which employees must comply (Grandey et al., 2010; Hochschild, 1983). I consider such expectations as client display rules which are an extension of societal display rules in this study (Leary, 1996). Such display rules may determine how clients expect employees to behave and which behavioural displays are deemed appropriate. Societal norms influence employee behaviour in work-related interactions. These societal norms may warrant polite and friendly interactions when dealing with clients (Leary, 1996). Specifically, they inform employees about appropriate emotional behaviour in different situations (Grandey et al., 2010). Arguably, these display rules may be different depending on the stakeholder and their perception and understanding of the role of the employee. Thus, it may be that this type of display rule is the most difficult to learn and comply with because stakeholders such as clients may not all have the same expectations.

In my study, I focus on three types of display rules to which family law practitioners adhere. These rules are organisational display rules, professional display rules, and informal client display rules. I choose to focus on these specific display rules because, as part of their day to day role, family law practitioners may be expected to comply with such rules. I now review the literature pertaining to display rules in the context of family law practitioners and the legal context to demonstrate how interacting with these different display rules may give rise to potential display rule conflict. First, I start by discussing organisational display rules.

2.2.1 Organisational display rules among family law practitioners

Organisations aim to enhance and promote both the company's image and brand. Thus, organisations seek status and power to ensure its long-term success (Tyler, Connaughton, Desrayaud & Fedesco, 2012; Highhouse, Brooks & Gregarus, 2009). Front-facing customer service workers engage in face-to-face encounters whereby they exchange intangibles such as courtesy, responsiveness, and friendliness (Parasuraman, Zeithaml & Berry, 1988). A front-facing employee aims to project the perception of good service to form a

lasting impression on the customer (Barger & Grandey, 2006; Pugh, 2001; Nicolson & Webb, 1999). This action is of benefit to the company (Schneider, Ehrhart, Mayer, Saltz & Niles-Jolly, 2005). The legal profession is a customer service industry whereby practitioners are the service workers. Legal practitioners represent their firms and they may be the main contact the client has with the firm (Ryan & Ployhart, 2003; Rhoades & Eisenberger, 2002). As such, law firms impose display rules for legal practitioners to follow to ensure that they are displaying appropriate emotions.

Organisational display rules may be more explicit in the legal profession than in other social settings. Such organisational display rules reflect the expectations of the legal profession, the practice of law as an occupation, and the group context (Pereira & Payne, 2012; Geddes & Callister, 2007; Ashforth & Humphrey, 1993; Rafaeli & Sutton, 1989). Organisational display rules in law firms may be complex due to organisational cultures and subcultures (Tolbert, 1988). There may be multiple cultures within law firms because of the different types of law practiced. For example, a corporate firm may have a different outlook on client care and satisfaction than small family run law firms. Furthermore, cultures and subcultures could vary within the same firm (Sackman, 1991). For example, the subculture that exists within a family law department in a corporate law firm may be different from that of other departments. As such, family law practitioners are likely to work in environments in which organisational display rules are different.

Conflict may arise within a display rule. Customers are viewed as higher in status and power than the employee serving them (Sloan, 2004; Côté & Moskowitz, 2002). In family law practice, practitioners may inevitably forge closer working relationships with their clients due to the very sensitive and confidential nature of their work (Gutek, Bhappu, Liao-Troth & Cheny, 1999). On the one hand, the display rules in a corporate law firm may require the family law practitioner to display a dominant demeanour when collecting an outstanding bill. Yet, the family law department display rule may require the practitioner to display an empathetic demeanour if the client is experiencing financial difficulties because of a divorce. In my study, I refer to such conflicts

as intra-display rule conflict because the conflict occurs within the same display rule.

Studies have shown that organisational display rules have focused on expressing positive and suppressing negative emotions (Brotheridge & Grandey, 2002; van Maanen & Kunda, 1989). However, these studies did not consider the possibility that positive suppression and negative expression may be warranted in some circumstances (Geddes & Callister, 2007; Sloan, 2004; Diefendorff & Richard, 2003; Fitness, 2000). Family law practitioners who perform emotion work should not be restricted to notions of expressions of 'positive' and 'negative' emotional displays. This is because positive or negative connotations are open to interpretation depending on context. For example, some clients may regard an aggressive approach in the courtroom as a positive display of emotion, whereas other clients may regard a smile in a negative light, particularly if the case is not going their way. As such, the family law practitioner, in adopting varying sub-roles such as listener, advisor or representative, must be aware of the requirement to display different types of emotions (Humphrey, Pollack, & Hawver, 2008).

Another issue which could influence the type of organisational rule displayed is power. Display rules can vary depending on the stakeholder with whom the employee is interacting (Diefendorff & Greguras, 2009). For instance, employees may use less control over emotional expressions when interacting with co-workers, and more control when interacting with supervisors or subordinates (Diefendorff & Greguras, 2009). The variance in levels of controlling one's emotional expressions could be due to power or status differences between interacting individuals. Interpersonal relationships can be influenced by power when one person has higher relative power to the other and who controls more resources and can exert more influence on the other person (Diefendorff, Morehart & Gabriel, 2010). Employees can modify their emotion expressions more when interacting with those who have higher power compared to those with lower power. This notion is supported by Gibson and Schroeder (2002) who note,

“knowing that emotional displays signal levels of power, agents will be motivated to align their displays of emotion with their perceived level of power”. (p. 197)

Employees tend to display negative emotions when interacting with co-workers as opposed to neutral emotions when interacting with clients, superiors or stakeholders who they perceive to hold more power (Diefendorff & Greguras, 2009). Similarly, employees tend to be less likely to be courteous as well as readily display negative emotions to stakeholders who they perceive to hold a lower power status (Matsumoto, 1991). For family law practitioners, power can influence the extent to which they choose to engage with display rules to align their displays of emotion with perceived levels of power. Organisational display rules within the family law context, then, implies that family law practitioners must be mindful of the relevant variances in display rules within their law firm and their department. Such variances in organisational display rules could lead to intra display rule conflict for the practitioner when the practitioner is expected to display opposing emotions in relation to the same issue (e.g. recouping an outstanding bill). I now explore the literature relating to professional display rules and socialisation as it pertains to family law practitioners.

2.2.2 Professional display rules and socialisation among family law practitioners

In my study, professional display rules refer to explicit and implicit rules shaped by professional bodies that inform and guide family law practitioners. It is from these rules that one can discern the appropriate display and expression of emotions. Given that legal practitioners may also learn professional display rules from their peers, it is necessary to include a discussion regarding socialisation to contextualise professional display rules. Legal practitioners inevitably experience both formal and informal socialisations in their profession. In addition, they observe professional codes of conduct and practice that govern their behaviour at work. That is, they must perform their duties in accordance with the various types of professional display rules. I proceed to discuss notions of socialisation before addressing the more explicit professional display rules. My rationale for doing so is because family law practitioners experience socialisation into the profession before they become

familiar with explicit rules such as codes of conduct. In this way, I shed light on how conflict or tensions between implicit and explicit rules may arise in professional display rules.

2.2.2.1 Formal socialisation

Professional socialisation is the process through which a person acquires the knowledge, skills, attitudes, and values, pertaining to a professional subculture (Page, 2005). The Socialisation Model as proposed by Weidman, Twale and Stein (2001) provides a useful framework to consider professional socialisation in the legal profession. The model has four components: prospective students, professional communities, personal communities and novice professional practitioners. The model is limited as it neglects other societal dimensions that influence professional socialisation (Page, 2005). However, in my study, I use it to discuss professional formal and informal socialisation in the legal profession as it progresses through the socialisation stages of law student through to practising lawyer.

Formal professional socialisation of lawyers begins in law school. Henderson and Farrow (2009) have highlighted the strong socialisation process and influence law schools have on law students. Historically, law schools have encouraged students to 'think like a lawyer' as they interpret substantive law and develop skills of argument (Baron & Corbin, 2012; Gerst & Hess, 2009; Sullivan, Colby, Wegner, Bond & Shulman, 2007). However, this ideology has been criticised by Krieger (2008) who argues that students are, "*abruptly forced to set aside their sense of morality, fairness, and sensitivity to human suffering*" (p. 265) and Mertz (2007) who notes that teaching law students to "*think like a lawyer*" is "*dehumanizing*" (p. 95; 98).

Others have suggested that lawyers should be prepared to provide professional practice rather than being trained in traditional ideology. For instance, Colby and Sullivan (2008) suggest that law has progressively become more market-driven and as such law schools must prepare their graduates for ethically supportive "*contexts that undermine the profession's fundamental purposes and standards...*" (p. 405). Furthermore, there is a pressing need to educate law students to be professionals with a drive to teach

law students to 'think like a professional' rather than 'think like a lawyer' (Perry, 2008). A professional can reflect on and be self-aware about ethical aspects and social consequences of the practice of law (Perry, 2008). Evetts (2003) suggests that legal ethics should dictate standards of professionalism for lawyers, but that professionalism should not be a behavioural guide. In this way, professionalism can be perceived as controlling behaviour (Fournier, 1999; Miller & Rose, 1990). This perception can be compared to previous academic discussions regarding emotion display rules. Display rules are not usually found in handbooks, but they can be gleaned from ethical codes or disciplinary rules and regulations (Yanay & Shahar, 1998). In the absence of explicit organisational rules and regulations, professional workers tend to construct such rules and regulations and socialise to reflect their appropriate professional habitus (Bourdieu & Wacquant, 1992). As Hochschild (2003) argues, lawyers,

"do not work with an emotional supervisor immediately on hand. Rather, they supervise their own emotional labour by considering informal professional norms and client expectations." (p. 153)

Lawyers are conditioned to align with traditional legal professionalism which promotes denigration of emotional expression, in favour of cognition, reason, and formalism (Spain & Ritchie, 2016; Yakren, 2008; Brayne, 2002). However, in the context of family law practitioners, this concept of professionalism is different because of the emotive nature of their work. Recently, researchers who studied judicial emotions have challenged the notion of judicial dispassion (Bergman Blix & Wettergren, 2016; Maroney & Gross, 2014; Bandes & Blumenthal, 2012; Roach Anleu & Mack, 2005). A major focus of this research relates to empathy. The notion of empathy is pervasive in the practice of family law. Family law practitioners regularly engage with clients who may be experiencing situations which may potentially be the most emotional in their lives. For family law cases such as those involving child custody, it may not be conducive for the practitioner to be emotionless and formal. Thus, family law practitioners may experience a challenge in practice if they were socialised to learn to denigrate emotional expression in place of the display of empathy. It may be through methods of informal socialisation that family law practitioners understand the use, role, and value of emotions at work.

2.2.2.2 Informal socialisation

In addition to modes of formal socialisation, lawyers also learn professional display rules through informal socialisation. Informal socialisation is evident in cases where lawyers learn from their peers. The norms of professionalism may vary across networks of lawyers. Such networks could comprise lawyers from: different areas of law, the same area of practice with different clients, large and small firms, and law firms that have different cultures (Mather et al., 2001). Lawyers set the tone of acceptable behaviours depending on whether: they are in the office; interacting with one another during negotiations and litigation; interacting with agencies; or whether they are appearing before judges (Levin & Maher, 2002). Inexperienced lawyers may also learn about rules, norms, and practice informally from their superiors through instruction, conversations they may overhear, and observations of other lawyers around them (Garth & Martin, 1993).

Some family law practitioners in England and Wales tend to work in close-knit teams that can be construed as a form of networking. Their firms may comprise lawyers who are likely to share office space and advice, even if they are not formally associated or even physically close to each other (Levin, 2004). Such a network can be regarded as a community of practice. Mather et al., (2001, p. 6) define communities of practice in the legal profession as,

“groups of lawyers with whom practitioners interact and to whom they compare themselves and look for common expectations and standards”.

They argue that divorce lawyers in small firms work within interrelated communities comprising barristers, lawyers in certain locales, as well as specialists and non-specialists in family law. Furthermore, they argue that while communities of practice could teach professional norms by example, there is the caveat that they could also control lawyers' individuality with respect to their professionalism. It is perhaps within these communities of practice that informal socialisation takes place. As Hertwig (2006, p. 398) notes,

“social learning, such as through imitation, allows individuals to learn about their environment without engaging in potentially hazardous learning trials or wasting large amounts of time”.

Family law practitioners imitate the behaviour of established colleagues to act in accordance with the norms and practices unique to their law firm or family law department (Hertwig, 2006). As such, social processes and practices are unique for each law firm in which new family law recruits enter.

Experienced lawyers in each community of practice lead by example as they display their professional behaviour in the presence of new recruits. In this way, new recruits in these organisations can comply with and adopt the appropriate behaviours, especially in organisations or in communities with repeated social interactions (Levin & Maher, 2002). Inexperienced family law practitioners who adopt imitation, pressure to conform, and trial and error modes of learning, are informally socialised into the culture of the firm and ultimately, they learn how to act, dress, and speak in accordance with professional display rules of the legal profession (Schleef, 1998). In the same vein as formal socialisation, the professional display rules learned following informal socialisation may also be different depending on the common practices of a family law department. Thus, it is important for the family law practitioner to learn the subtle informal professional display rules for each family law department within which they may work. In the following section, I discuss the explicit modes of disseminating professional display rules including codes of practice and conduct. Here I intend to demonstrate the potential confusion which may exist for family law practitioners when complying with explicit and implicit professional display rules.

2.2.2.3 Explicit forms of professional display rules

Family law practitioners are subject to professional codes of conduct and practice including the SRA Principles (Appendix 1) and The Resolution Guides to Good Practice (2016) (Appendix 2). These codes are explicit, and they include modes of appropriate behaviour that family law practitioners should display. The SRA Code of Conduct (2011) states that,

“those involved in providing legal advice and representation have long held the role of trusted adviser. There are fiduciary duties

arising from this role and obligations owed to others, especially the court. No code can foresee or address every issue or ethical dilemma which may arise. You must strive to uphold the intention of the Code as well as its letter.” (NP)

Interpretation of the code of conduct can result in conflict. Of note is that the SRA Code of Conduct (2011) is not a source of authority for all situations. As such, the Law Society expects practitioners to uphold the intention, which is open to interpretation for practitioners and firms. Client care is an essential part of a lawyer's role and is subject to regulatory control due to the fiduciary nature of the relationship between the lawyer and the client. Although in some cases, clients can be perceived to have a higher status and power than the family law practitioner serving them (Hanlon & Shapland, 1997), the Law Society expects that the practitioner comply with the ten mandatory principles which are all-pervasive. Some of the principles include to act in the best interests of each client and to behave in a way that maintains the trust the public places in the lawyer and in the provision of legal services.

On occasion when these principles are at odds with one another, the SRA Code of Conduct (2011) states that practitioners must prioritise the principle that best serves the public interest in the circumstance. However, the principle that best serves the public interest is open to interpretation and contingent upon which stakeholder the practitioner is serving. So, status is a fluid concept for family law practitioners and their clients depending on whether the client or the practitioner holds a higher status. Status represents a set of social-relational characteristics that influences the acceptability of emotional expression at work. The status arising from a legal practitioner-client relationship depends on whether the lawyer decides that the stakeholder's interests should be served over that of the client's, to portray the best public service interest.

Familiarity is another social-relational characteristic that influences the acceptability of emotional expression for family law practitioners. Yet in the service industries, employees tend to demonstrate more familiarity with organisational members with whom they interact on a day-to-day basis (Gutek et al., 1999). However, it is necessary for some family law practitioners to develop a regular working relationship with their clients especially in cases that

are long-standing or of a sensitive nature such as those involving the well-being and safety of children. On the other hand, some lawyers may be at risk of losing sight of professional objectivity if they identify too closely with the interests of their clients (Wald, 2008). In some cases, lawyers fail to appreciate competing duties of loyalty to other entities such as the courts and the legal system (Wald, 2008). Thus, familiarity is also a fluid concept since the various professional relationships the family law practitioners can have may be influenced by their world view of the best way to serve the public interest.

Family law practitioners are also required to adhere to the Resolution Codes of Practice (2017) (Appendix 2). These codes represent a set of eight principles which guide practitioners to adopt a constructive and non-confrontational approach to family issues and cases. These eight principles include an obligation to reduce or manage any conflict and confrontation (for example, by not using inflammatory language) and to use personal experience and knowledge to guide clients through the options available to them. Resolution is a national group of family justice professionals who work with families to resolve issues in a constructive way. Membership to Resolution is not a requirement for family law practitioners to practice family law. However, members demonstrate a commitment to a constructive conciliatory approach to family matters in the family law community, while they form part of a support network. Resolution is recognised as the specialist representative body for family law practitioners by the UK government, the judiciary, the Legal Aid Agency, MPs, and peers.

The Resolution Guides to Good Practice (2016) builds on and supports the Code of Practice by focusing on the philosophy underpinning it. The guides provide suggestions as to how the Code of Practice could be applied in day-to-day situations. General Guides to Good Practice include drafting documents; family lawyers working with clients; services of documents; and working with litigants in person. These guides are forms of professional display rules as they direct and advise family law practitioners on how to deal with family law cases. Notably, the introduction to the Guide to Good Practice for Family Lawyers (Resolution, 2018, p. 2) states that when working with clients, the practitioner needs to be mindful that they,

“should take additional steps to ensure that their relationship with the client remains professional and inspires a high degree of confidence in the service”.

The Guide to Good Practice demonstrates that family law practitioners are expected to remain professional and stable despite the emotionally demanding nature of family work. In addition, the family law practitioner is reminded that one of their primary aims is to avoid client complaints by providing a high-quality service to clients. Furthermore, the guide suggests that family law practitioners should remain calm and objective and not to let the client or their emotions influence the meeting. Practitioners are reminded to advise clients about external support services as a means of focusing solely on providing practical advice and support.

One can appreciate the complexity of the professional display rules for the family law practitioner. To reiterate, the above discussion has highlighted that family law practitioners may experience a conflict in explicit professional display rules due to the nature of their emotive work. Traditional legal professionalism prohibits the expression of emotion at work and instead promotes cognition, reason, and formalism (Brayne, 2002). Concurrently, family law practitioners may inevitably form loyal relationships with clients as part of the fiduciary relationship. Client loyalty in the case of the family law practitioner is perceived as necessary to gain rapport with the client and to help the client achieve their goals (Wald, 2008). Thus, these messages regarding professional display rules for family law practitioners could be confusing. I highlight again that intra-display rule conflict exists in instances where explicit professional display rules conflict with the outcomes that the family law practitioner is trying to achieve. In the next section, I discuss informal client display rules, which is the third type of display rule on which I focus in this study.

2.2.3 Informal client display rules among family law practitioners

I define informal client display rules as a set of client expectations (social norms) that relate to appropriate behaviours and emotional displays towards clients. Informal client display rules are a function of the norms of society as displayed by employees when they interact with clients. Societal norms

provide general, key rules regarding how and what emotions should be expressed during service encounters (Rafaeli & Sutton, 1989). Instructing a lawyer is a social encounter whereby clients advise solicitors of their expectations of what they consider as good service. So, the societal norms of family law clients are informal client display rules which are client specific. Each client may have different expectations of their family law practitioner or their expectations may change throughout the case depending on the stage of the case.

Much has been written about the client-lawyer relationship. More recently, researchers have explored the unique relationship between clients and family law practitioners (Wright, 2006; Mather, McEwen & Maiman, 2001; Sarat & Felstiner, 1986). Family law practitioners are expected to learn how to develop professional relationships with clients. The legal practitioner may no longer be the dominant party in the relationship (Silver, 1999; Hanlon & Shapland, 1997). The greater demand from clients for a better service and the prospect of vying for cases has led Sommerlad (2002) to argue that the legal profession is witnessing a "*subservience of the practitioner to the client*" (p. 217).

As such, legal professionalism in England and Wales has undergone a transformation in the last few decades towards a commercialised version of professionalism (Hanlon, 1999). Clients have adopted roles as second managers because they possess power through organisational policies and practices (Hochschild, 1983). Both employees and customers are aware that the customer is always right (Rafaeli, 1989; Lynn & Latane, 1984; Hochschild, 1983). As such, in practice, clients may hold a higher status and power than the legal practitioners who serve them (Sloan, 2004; Côté & Moskowitz, 2002). Within such contexts, clients possess more power and can demand excellence. These demands have led to increased competition for organisations which have influenced the nature of partnership and client relationships (Sommerlad, 2002). It is, therefore, important for a family law practitioner to understand his or her client's expectations in a case to strive for client satisfaction.

Many lawyers tend to associate client satisfaction with the outcome achieved. However, researchers have found that clients assess their lawyers' competence in terms of their experience of the process which they consider fair rather than by the outcome achieved (Cunningham, 2009; Tyler, 1988). That is, whether their dispute was settled fairly or whether they achieved a fair settlement. However, in some cases, clients in divorce cases, for example, experienced considerable differences between their perception of fairness and their lawyers' perception of fairness (Murch, 1980). Lawyers can select different indicators of performance compared to those of their clients. Such indicators include their level of knowledge and skills to deliver a service (Livingston, 1996). Clients, on the other hand, may have different indicators of good performance or satisfaction as they tend to use measures such as availability of their legal practitioner and level of empathy (Barkai & Fine, 1982).

These measures developed between lawyers and their clients appear to challenge aspects of the display rules. Sommerlad and Wall (1999) studied the different perspectives solicitors and clients had on quality service. They found that fifty percent of the clients indicated that they had previously used a solicitor whom they did not like. Furthermore, clients identified communication as a major problem in that their lawyers appeared to be 'busy'. Some clients reported that specialist lawyers with renowned reputations interrupted them when they tried to speak thereby conveying the impression that the lawyers were the experts and that they did not need to hear anything further from the clients. Other clients reported that they valued solicitors who were good listeners and they felt that effective two-way communication was the key to improve the exchange of information, and was essential to the development of rapport, trust, and mutual respect.

Murch (1980) found incompatibility between clients and their family law practitioners. One such area of incompatibility was a clash between the values of the client and those of the family law practitioner regarding gender issues. Several of the male participants reported feeling disconcerted to discover that their case was going to be handled by a female lawyer. The foregoing evidence supports the notion that it is important for family law practitioners to

understand and manage their client's expectations at the outset of the case to ensure that maximum client satisfaction is achieved.

Additionally, clients can also have emotional expectations of their family law practitioners. Clients perceive their lawyers as professionals who are devoted to their interests and their duty is to represent their clients in ways that those clients cannot (Wright, 2006). Notably, a lawyer's loyalty to his or her client is measured in terms of how he or she allocates their time, passion, and resources to what the client considers to be in their interest although these 'activities' may not always be conducive to the best outcomes (Phillips, 2016; Wright, 2006; Voight, 2005; Condlin, 2003). According to Sarat and Felstiner (1986), such clients may believe that the law is impersonal, impractical, and predictable. Together with their perceptions of some family lawyers as portrayed in popular culture such as television shows, films, from stories in the news, or from friends and family, clients can have emotional preconceptions of lawyers (Denzin, 2012).

Most clients expect their lawyers to protect their interests. Sclater (1999) argues that the predominant view regarding client dissatisfaction is due to the perception that solicitors are too litigious and overly willing to engage in acrimonious interactions. Also, as Davis (1988) points out, a client can perceive that a lawyer can be excessively accommodating to the opposing party, which can lead the client to feel that the lawyer is not acting in their best interest. Solicitors can manage to be both partisan and conciliatory with clients. However, it can be a difficult balance to strike in the case of divorces where emotions are high. Family lawyers need to balance their clients' need for security with the confidence that they are protecting their clients' rights while acknowledging the client's frustrations and anxieties about the case (Condlin, 2003; Davis, 1988).

Divorce cases present a myriad of complex needs. For instance, some clients may need information in relation to the legal processes and procedures of divorce. They need someone who can inform them about entitlements as well as the best lawyer to communicate with all stakeholders on their behalf. In other words, they need someone who can provide partisan support and protect

their interests, and make decisions for them (Wright, 2006). Added to these emotions is the need for the client to trust the family law practitioner. Clients need to be reassured that their emotions and domestic situation are important and are acknowledged (Gerdy, 2013; Sarat & Felstiner, 1986). In many instances, some clients are uncertain about what they want to achieve from their case and, as such, their goals may conflict with those of their lawyers. In such situations, the client may expect the family law practitioner to validate the client's biased and skewed goals (Russell, 2019; Sarat & Felstiner, 1986). In other cases, clients may wish to use their lawyers as sounding boards or counsellors as they consider whether they should proceed with the divorce (Davis, 1988).

It is important for clients and practitioners to understand informal client display rules and the resulting expectations to which they must adhere. However, it may not be so straight forward for clients who may be unsure of their expectations. Furthermore, the expectations of clients may change during the case to reflect issues that may arise. Such changes in expectations could result in intra-display rule conflict. Although practitioners are aware of their duties to their clients, they do need to manage their clients' expectations at the outset. As such, both practitioners and clients should discuss their expectations to make ensure that those expectations are aligned and there is no room for doubt. However, clients' expectations may change as the case progresses due to the emotionally charged nature of these cases. As such, family law practitioners would need to re-evaluate clients' expectations continuously. Such an action could influence the emotional expectations clients may have of practitioners. Further light could be shed on legal practitioners' reactions to display rules as I discuss the influence of display rules on family law practitioners in the next section.

2.3 Summary of display rules in the legal profession

Within each type of display rule discussed, I demonstrated the possible areas for misunderstanding which could lead to intra-display rule conflict. Further, there may be potential for the display rules to conflict with one another when being utilised simultaneously, thus leading to inter-display rule conflict. Figure

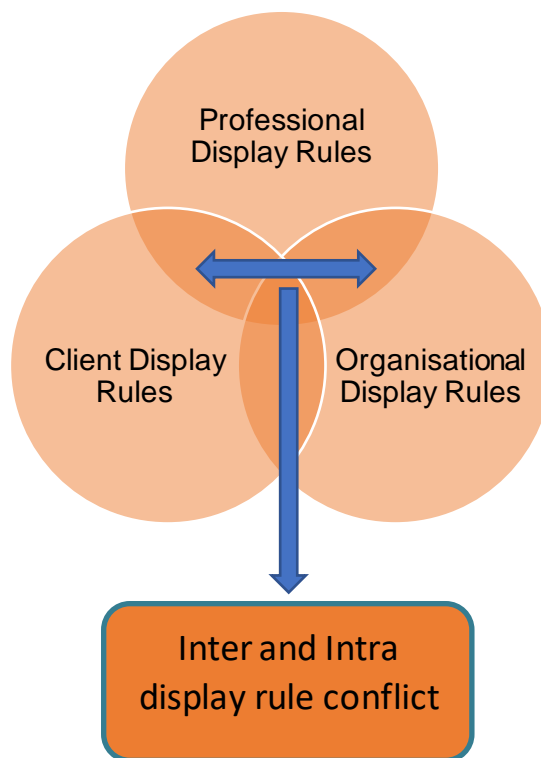


Figure 2.1: Inter and Intra display rule conflict

2.1 above provides a visual demonstration of how inter and intra display rule conflict can arise.

Family law practitioners provide a unique service to their clients and they will be carrying out more than one role simultaneously including that of legal advisor, colleague, or supervisor. They are expected to display positive emotions, empathetic emotions and negative emotions. Organisational display rules can vary depending on the firm's culture, branding or reputation. The family law practitioner needs to know which emotional display rule to display as directed by their firms. This means that it is necessary for the family law practitioner to learn the bespoke organisational display rules for each firm to which they belong during their career.

Opportunities for misrepresentation by legal practitioners are possible as they attempt to comply with traditional legal professionalism. Such professionalisms, due to formal and informal socialisation, can discourage expressions of emotions at work. On the other hand, more formal display rules

in the form of Resolution Codes of Practice and the SRA Code of Conduct allow the use and display of emotion as practitioners aim to avoid client complaints. Notably, legal guidance states that where principles come into conflict, then the practitioner must prioritise the principle that best serves the public interest. However, the issue of what best serves the public interest is contingent upon which stakeholder the practitioner is serving. Compliance with professional display rules may be potentially challenging for family law practitioners and are worthy of consideration as I develop my theoretical framework. Should the family law practitioner encounter display rule conflict, he or she must consider with whom they are dealing and prioritise their display rules. In prioritising which display rule to comply with in the first instance, a family law practitioner may engage with emotion management strategies such as emotion work. In the next section, I discuss emotion work and critically evaluate the various conceptualisations, dimensions, and outcomes associated with the concept.

2.4 Overview of emotion work

Concepts of emotion can be underpinned by researchers from sociological and psychological perspectives. Those taking a psychological approach for example often consider subjective experiences, physiological and behavioural responses and use appraisal theory (Russell, 2014). However, emotion research is also central to sociology (Wharton, 2009). In my study, I adopt a sociological perspective in my understanding of emotion work. A sociological perspective enables me to focus on behaviour among family law practitioners that is shaped by their peers and their profession and by the various social interactions that take place in those contexts. The sociological literature on emotion work focuses on emotions and management of such emotions by workers who carry out interactive work (Wharton, 2009). Emotion work has different connotations depending on the researcher. Initially, the concept referred to the act of trying to change an emotion or feeling in another person (Hochschild, 1979). Latterly, emotion work has focused on the behaviours performed to improve emotional well-being in others and to foster social relationships (Strazdins, 2000). Various concepts of emotion management are differentiated based on how emotion work is carried out (Zapf, 2002).

Although the concept of emotion work is contested and multidimensional (Bono & Vey, 2005), all studies have in common the assumption that emotion work involves emotional regulation and emotional expression consistent with the relevant display rule (Glomb & Tews, 2004; Grandey, 2000). In the last three decades, over one million articles have been published about emotion work. This shows that emotion work is being studied at a great rate and confirms its importance in the workplace. Despite the large number of studies, there have been relatively few researches that have focused on emotion work of legal practitioners (Flowers, 2020; Westaby, 2010; Cowan & Hitchens, 2007; Francis, 2006; Roach Anleu & Mack, 2005; Harris, 2002; Pierce, 1999). More specifically, studies relating to emotion work among family law practitioners are rare (Kadowaki, 2015). In this section, I review the timeline of more noteworthy studies undertaken relating to the development of the conceptualisation of emotion work starting with its inception.

Emotion work was first introduced by Hochschild (1979) who states that the concept involves the act of evoking or shaping, as well as suppressing feeling in oneself. Evocation involves a cognitive focus on a feeling which is initially absent. Suppression involves a cognitive focus on an undesired feeling which is initially present. She argues that in carrying out emotion work, one is attempting to change an emotion or feeling that is appropriate for a given situation. In order to read the situation correctly to produce the appropriate feeling, social guidelines are used. An example of social guidelines provided by Hochschild (1983) is feeling sad at funerals but happy at weddings. In other words, the emotion 'work' is done to feelings to produce a suitable emotion. The ability to manage emotions according to social guidelines is acknowledged by Hochschild (1979) to be part of every social exchange.

Hochschild (1983) views emotion work as acts of personal management whereby the individual has the choice in how much and what type of emotion to give to the recipient. This focus enables Hochschild (1983) to introduce the notion of "*gift exchange*" (p. 76). The idea of gift exchange led Hochschild (1983) to question what happens "*when deep gestures of exchange enter the market sector*" (p. 86) as she argues that emotion management becomes

another aspect of saleable labour power in the context of the workplace. In this way, she introduces the term 'emotional labour' in her pivotal study of air stewardesses as she highlights a form of emotion management where the display of feelings by employees are commoditised and controlled by organisations. As I noted in the introductory chapter, the terms 'emotion work' and 'emotional labour' are often used interchangeably. Essentially, both concepts share two of three characteristics. They both are characterised by face-to-face or voice-to-voice interactions and are both carried out to produce or influence the emotional state of another person (Zapf, 2002; Hochschild, 1983). However, it is the third characteristic that differentiates the concepts.

For Hochschild (1983), emotion work has a 'use value' as emotions are managed in a private context among family and friends, whereas emotional labour has an 'exchange value' as emotions are managed in exchange for a wage. Further, according to Hochschild (1983), the third characteristic of emotional labour is that it allows employers to exercise a degree of control of emotional activities carried out at work. On the other hand, the third characteristic of emotion work states that displays of emotion must follow display rules (Zapf, 2002). Thus, the main distinction between the two concepts is the notion of the commoditisation of emotions and emotional displays that can be controlled by employers. There are other differences worthy of note. For some scholars, emotional labour refers to the management of emotion in the self, whereas emotion work refers to behaviours used by individuals to alter other people's feelings (Strazdins, 2002; Zapf, 2002). Callahan and McCollum (2002) concur as they argue emotion work is appropriate for situations in which individuals are personally choosing to manage their emotions for their own uncompensated benefit. Thus, quality of interactions between employees and clients is the foundation of emotion work (Zapf, 2002).

In my study, I distinguish between the concepts of emotion work and emotional labour because I am not referring to emotion management used by family law practitioners carried out for a wage. Nor am I viewing emotion management as a means of employer control. I am focusing on emotion management used

by family law practitioners to produce an emotional state in another person while at the same time managing their own emotions (Steinberg & Figart, 1999). In my view, family law practitioners carry out their role with multiple stakeholders. They hold a great deal of autonomy in such roles and their emotional displays are not routinised or processed by their employers. However, I do acknowledge that the two concepts have been used interchangeably in literature and in some cases are conflated. This may be the case where researchers choose to focus on emotional regulation and emotional expression consistent with display rules. In this thesis, whenever I refer to studies that use the term 'emotional labour' I interpret that term to mean the characteristics of emotion work. Such an interpretation enables me to focus on the quality of social interactions in the workplace (Zapf, 2002).

Hochschild's (1983) research on emotion work was no doubt seminal and has taken a central role in debates pertaining to emotions in organisations. However, subsequent studies have shown researchers using the term in different ways and as such, departing from Hochschild's (1983) original definition of emotion work. Such departures can be seen in studies, for example, that have applied the emotion work concept to professions (Harris, 2002; Lively, 2002). Further, some scholars have taken issue with Hochschild's (1983) dichotomy of the distinction between private life and the commodified public self (Bolton, 2005) when it comes to emotion management in the workplace. They argue that not all emotions are commodified in the labour process and that a more selective use of the concept of emotion work should be utilised (Bolton & Boyd, 2003; Bolton, 2000). These divergent views have led scholars to explore emotion work in different ways (Grandey, 2000; Morris & Feldman, 1996; Ashforth & Humphrey, 1993).

Building on Hochschild's (1979) work and providing a more complex understanding of emotion in organisations, Rafaeli and Sutton (1987) explored three additional types of emotional expression: emotional harmony, emotional dissonance, and emotional deviance. Emotional harmony exists when the expressed emotions are consistent with the emotions experienced (Rafaeli & Sutton, 1987). Emotional dissonance refers to a mismatch between the inner

feelings of the employee and the outward expression of emotion (Hochschild, 1983). Emotional deviance manifests when there is a clash between the expressed emotions and the display rules of the organisation.

According to Scarduzio (2011), there are several reasons an employee may engage in emotional deviance by flouting display rules. Firstly, such deviance may provide employees solace from a stressful work role. Secondly, employees may use emotional deviance to gain respite from the monotony of their job role. Finally, emotional deviance may be used by more powerful members in an organisation to distance themselves from other colleagues or clients. In her study of emotional deviance among municipal court judges in America, Scarduzio (2011) found that emotional deviance can be a distinctive advantage for employees who hold positions of power and status. She argues professionals, such as lawyers, may have more freedom to deviate from display rules due to their large degree of autonomy and self-regulation. She notes that, unlike typical service workers, municipal court judges do not want repeat business. Further, service workers do not usually have power over customers, whereas judges have the power to make decisions about a defendant's future. Thus, the power imbalance is clear. While family law practitioners may hold a high level of autonomy and self-regulation, they are retained by a client to carry out instructions. In this way, the power does not rest with the practitioner. It may be more difficult for a family law practitioner to engage with emotional deviance without consequence as such deviance could be interpreted as rude and unprofessional.

The contributions to the area of emotion management by Ashforth and Humphrey (1993) propelled the study of emotions forward. In their definition of emotional labour, they focus on the act of displaying the appropriate emotion. They integrated the role of social identity into the study of emotions and the expression of emotion at work. Essentially, Ashforth and Humphrey (1993) argue that employees who identify with their roles and enjoy a high level of autonomy could provide more natural responses and exhibit genuine emotion. Further, there could be occasions during which an employee may

genuinely and spontaneously experience an organisationally expected emotion that did not necessarily require them to act or perform.

Other researchers have also contributed to the concept of emotion work. For instance, Morris and Feldman (1996) have focused on the effort, planning, and control needed to express organisationally desired emotions as they define emotional labour. They identified other dimensions of emotion work which include the frequency of emotional display, the attentiveness to display rules required (which incorporates the intensity of the emotional display), the duration, and the variety of emotions to be expressed. The dimension of frequency of emotional display is now a common measure of emotion work. This view is that too frequent emotional displays could lead to employee alienation and exhaustion.

The second, third, and fourth dimensions refer to attentiveness, intensity, and variety. Morris and Feldman (1996) argue that there is a direct relationship between attentiveness and effort. That is, the greater the requirement for attentiveness to display rules, the more effort is needed to carry out emotion work. In this way, the duration of the interaction also influences effort. Longer periods of interaction with others involve more effort than shorter periods of interaction. With respect to the third dimension, Morris and Feldman (1996) argue that displaying more intense emotions requires more effort. These researchers regard the fourth dimension, variety, as job roles in which a variety of emotions is required as in the case of a teacher. They suggest that more emotion work is required when a higher variety of emotions must be displayed.

Other researchers, such as Brotheridge and Lee (1998), Grandey (1998), and Kruml and Geddes (1998) have identified those dimensions as job characteristic antecedents or role demands. Grandey (2000) has criticised Morris and Feldman's (1996) approach and argues that while frequency, duration, and intensity of emotion work provide information about the job demands, they do not capture the presence of emotion work and fails to further explain the emotion management process of the employee. In her definition of emotional labour, Grandey (2000) combines notions of regulating both feelings and the expression of emotions for organisational goals. She argues that

surface and deep acting should be regarded as the true components of emotional labour. Interestingly, Grandey (2000) does not consider genuine emotion as a dimension of emotional labour.

Taking a different view of the concept of emotion work, Strazdins (2000) proposes various dimensions of emotion work, based on how emotion work is carried out. She focuses on both work and family roles and considers emotion work as useful to improve emotional well-being in others and to create positive social relationships. Further, Strazdins (2000) argues that emotion work is performed for the purposes of enhancing positive emotions and interactions, helping negative emotions and interactions, and regulating negative emotions and interactions. She summarises these purposes as a three-dimension typology that includes: companionship, help, and regulation. England and Farkas (1986) argue that when an employee offers companionship to others through positive emotions, the employee's well-being may be enhanced in the process. However, as help and regulation behaviours require providers to deal with negative emotions in others, it may be more demanding and stressful to perform.

Furthermore, it is acknowledged that emotion work demands differ between the family context and the work context. Based on this acknowledgment, Strazdins' (2000) three-dimension typology does not necessarily apply to different role contexts. Additionally, she discusses the notion that emotion work is carried out in service roles that require employees to produce positive emotions or in occupations that require giving care to others. In this way, Strazdins' (2000) conceptualisation is potentially restrictive when applied to roles, such as a family law practitioner, which requires the need to show both positive and negative emotions (Zapf et al., 1999).

The work of Bolton (2005) has also led to further developments in the understanding of emotion work. She defines emotion work as *"the act of attempting to change an emotion or feeling so that it is appropriate for any given situation"* (Bolton, 2005, p. 50). She is a known advocate in literature for focusing on emotion work as an integral part of everyday social and organisational life. Emotion work is considered as 'skilled work' and as a

concept that should be recognised for its non-commercial motivations. In this way, Bolton (2000) introduces a typology of workplace emotion. The typology offers insights into possible motivations behind why actors enact display rules in different ways. The four distinct types of emotion management in the typology are: pecuniary (emotion management for commercial gain), prescriptive (emotion management according to organisational/professional display rules), presentational (emotion management according to general social rules), and philanthropic (emotion management given as a 'gift'). It is noted that organisational actors can move effortlessly from one type of emotion management to another.

Additionally, Bolton (2005) acknowledges that the typology is not categorical and boundaries across the emotion management types can be crossed as well as conflict with one another. She considers the possibility that actors are capable of being multiple versions of themselves in the workplace, thus classing emotion workers as skilled social actors. She argues that actors can draw from different types of display rules and sources of motivation to match a feeling with a situation. Essentially, Bolton (2005) attempts to capture the complexities of organisational life by emphasising the juggling and synthesising role of emotion workers. Although Bolton's (2005) work has been criticised for unnecessarily rejecting the emotional labour concept (Brook, 2009), the typology makes for an interesting lens to study sources and motivations behind why actors interact with display rules in distinct ways. Unfortunately, such a view is outside the scope of this study.

In this section, I demonstrated the extent to which the concept of emotion work is contested and varied. Although some aspects of the performance of emotion work have been identified briefly thus far, I expand such strategies in the next section.

2.4.1 Performance of emotion work

In this section, I review the literature surrounding some of the more common emotion work strategies. Such strategies include surface acting, deep acting,

genuine emotion, emotional dissonance, emotional deviance, and detachment.

Surface acting and deep acting as emotion work strategies were initially proposed by Hochschild (1983). Surface acting refers to employee's faking emotions that are not actually felt, by changing their outward appearances. Emotion theorists suggest that emotions consist of several subsystems such as subjective feeling and expressive behaviour which includes facial expression, voice, and gesture (Chu, Baker & Murrmann, 2012). As such, acting enables the employee to attempt to manage the visible aspects of emotions that appear on the 'surface', which can be noticed by the person with whom they are interacting. Surface acting means that emotional dissonance exists between the inner feelings and the outer expression which persists during the interaction (Zapf, 2002).

In this way, an employee can alter the outward expression of emotion by changing their bodily expressions such as putting on a smile (Hochschild, 1993). Surface acting enables the employee to modify external expressions to comply with display rules, regardless of the employee's internal emotion (Choi & Kim, 2015). A front-line service employee putting on a smile to every customer despite feeling tired and unhappy, is a common example of surface acting. During this short interaction, the employee may easily put on a smile in order to make the customer feel welcome. Employees tend to engage in surface acting during negative events with customers when they suppress their negative emotions and the positive display rules or emotions are shown (Cossette & Hess, 2012). Thus, surface acting could be problematic as it involves expressing emotions which are not genuine and can create a sense of inauthenticity both from an employee and a customer. In the case of family law, clients may expect more authentic emotions than superficial emotions from practitioners. The client may expect their practitioner to be genuinely interested in their case. In this event, the practitioner may have to engage in deep acting if surface acting appears too mechanical to satisfy client expectations of a genuine interpersonal relationship.

More effort is needed to perform surface acting as the employee must consider their facial expressions, their words, and the tone of their voice during interactions to ensure that their behaviour matches the display rules (Humphrey, Ashforth & Diefendorff, 2015). Typically, surface acting can lead to negative outcomes including stress (Grandey, Rupp & Brice, 2015), poor self-esteem (Adelmann, 1989), emotional exhaustion, and depersonalisation (Montgomery, Panagopolou, de Wildt & Meenks, 2006; Näring, Briët & Brouwers, 2006; Bolton, 2005; Brotheridge & Lee 2003; Totterdell & Hollman, 2003). Surface acting can also be beneficial as the display of positive emotional expressions leads to customer satisfaction (Grandey, Diefendorff & Rupp, 2013).

Deep acting refers to a worker attempting to feel the actual emotion that should be displayed (Choi & Kim, 2015; Zapf, 2002). This strategy involves altering one's feelings because the employees' feelings do not fit the situation. Hochschild (1983) suggested that an employee could use their training or past experiences to express the appropriate emotions. An example of deep acting could involve recalling a sad memory to invoke the feeling of sadness. Unlike surface acting, deep acting involves changing one's feelings by altering something more than outward appearance (Choi & Kim, 2015).

Family law practitioners may engage in deep acting to demonstrate the appropriate emotional displays to clients. This could be the case with unmarried family law practitioners dealing with a divorce case. They may need to tap into past experiences of a breakup to gain a level of empathy with the client. Longer, more involved interactions with clients, may cause family law practitioners to express more deep acting than surface acting.

Deep acting is often associated with displaying authentic emotion. Research suggests that overall customer satisfaction is improved as they perceive the employees as being intrinsically motivated to help them (Grandey, 2015). Overall, deep acting is considered a beneficial strategy as it can lead to improved well-being as a result of personal accomplishment, job satisfaction, and reduced emotional exhaustion (Brotheridge & Grandey, 2002; Grandey, 2000; Morris & Feldman, 1996). Although, deep acting is not generally

associated with negative outcomes (Grandey, Rupp & Brice, 2015; Brown, 2010; Kim, 2008; Côté & Morgan, 2002), some researchers suggest that it can lead to emotional exhaustion, burnout (Hochschild, 1983) and a reduction of felt emotion (van Maanen & Kunda, 1989).

Other researchers view emotion work as a multidimensional construct. Ashforth and Humphrey (1993) argue that focusing only on surface and deep acting ignored the possibility of workers having genuine emotions on the job. They noted that there could be occasions during which employees may genuinely experience an organisationally expected emotion, in which case they do not need to act or perform although they may need to regulate their emotions. Some literature relating to genuine emotion has also referred to the concept of automatic emotion regulation. Based on action theory, it is suggested that emotion work is done in an 'automatic mode' (Zapf, 2002). In the context of family law practitioner, there are a myriad of examples when an emotion is spontaneously and genuinely experienced.

The dimension of genuine emotion has been met with some criticism. Hochschild (1983) incorporated the concept of genuine emotion in her notion of 'passive deep acting'. Although she differentiated between 'passive deep acting' and deep acting, she did not identify 'passive deep acting' as a separate construct of emotional labour. Others, such as Van Dijk and Smith (2011), Martinez-Inigo et al., (2007), and Mann (1999) disagree that genuine emotion should be considered as a dimension of emotional labour. They argue that genuine emotion does not require the efforts involved in emotion management or acting and should not be included. Harris (2002) noted that genuine emotion could be perceived as an unprofessional expression of personal feelings at work.

Despite the criticisms of genuine emotions, it remains an accepted dimension of emotional labour in literature (Diefendorff, Croyle & Gosserand, 2005; Glomb & Tews, 2004). Some scholars dispute the argument that the expression of genuine emotion does not involve effort. In situations when an employee engages in genuine emotion, the employee would still have to ensure that what is felt will be displayed according to display rules (Morris &

Feldman, 1996). In some cases, family law practitioners may empathise with clients who are in an abusive relationship or going through a messy divorce. These practitioners do not need to manage their emotions through surface or deep acting to empathise with their clients in accordance with the emotional display rules of the firm. The use of genuine emotion is generally associated with positive outcomes (Ashforth & Humphrey, 1993). According to Zapf (2002), the use of frequent genuine emotion can lead to a sense of personal accomplishment for the employee. Further, researchers argue that genuine emotions have more positive outcomes than deep acting both for the organisations and individuals. (Glomb & Tews, 2004; Zapf, 2002).

Then there is the concept of emotional dissonance which researchers view in different ways. Emotional dissonance refers to tensions created between felt and expressed emotions during one or several emotional instances (Grandey, 2000; Zapf et al., 1999; Morris & Feldman, 1996; Hochschild, 1983). Zapf (2002) studied the concept of emotional dissonance as an emotion work strategy. However, some view it as a dimension of emotion work (e.g. Grandey, 1998; Kruml & Geddes, 1998; Morris & Feldman, 1996), whereas others consider it as a dependent variable (Ashforth & Humphrey, 1993) or as a stressor (Zapf et al., 1999).

Emotional dissonance may be considered as a form of person–role conflict. In this way, an employee's response conflicts with role expectations regarding the display of emotions (Rafaeli & Sutton, 1987). According to Choi and Kim, (2015), an employee may feel no emotion when a certain emotion display is required. Alternatively, the display rule may require the employee to suppress an undesired emotions and express neutrality or a positive emotion instead of a negative one. Scholars such as Hochschild (1983), consider emotional dissonance as problematic as it can lead to the alienation from one's own emotions, poor self-esteem, and depression. Family law practitioners may experience emotional dissonance, particularly when having to represent an abhorrent client.

The notion of emotional deviance has also been argued to be a factor in the performance of emotion work. Emotional deviance occurs when employees do not express the required emotion (Rafaeli & Sutton, 1987). Such behaviour may more commonly occur when an employee is faced with rude and impolite customers where they cannot fake or suppress their feelings (von Gilsa & Zapf, 2013). Most researchers argue that emotional deviance is linked with negative outcomes such as emotional exhaustion, depersonalisation, reduced personal accomplishment, and poor mental health (Rafaeli & Sutton, 1987; Zapf, 2002). However, Von Gilsa and Zapf (2013) note that in some circumstances emotional deviance can be used to prevent a conflict from escalating. In the context of family law practitioners, emotional deviance is likely to be perceived by the client as unprofessional.

There is yet another strategy for performing emotion work as suggested by Ashforth and Humphrey (1993), which is that of detachment or detached concern. Detachment has been met with some criticism as some scholars argue that it is an emotion management strategy rather than a dimension (Kadowaki, 2015). Detachment does not indicate a refusal to conduct emotion work. Rather, it serves as a function in a self-protective manner for the employee which requires the use of emotion work to strip away niceties, suppress feelings of anger or frustration, while still meeting requirements set by organisational feeling rules (Wolkomir & Powers, 2007). For a family law practitioner, detachment could be perceived by the client as uncaring and uncommitted and ultimately an impediment to building trust and rapport. However, when dealing with difficult clients, a family law practitioner may choose to detach themselves by withdrawing their emotional assistance so that they can carry out their role of representing the client while protecting themselves from negative emotions.

It is apparent that researchers are unable to agree on a consensus of the dimensions of emotion work (Bolton, 2005). Whereas some approach emotion work as one-dimensional concerned with intensity and frequency of emotional displays (Wharton, 1993; Hochschild, 1983), others approach emotion work as a multi-dimensional construct (Kruml & Geddes, 2000; Grandy, 2000;

Morris & Feldman, 1997; Ashforth & Humphrey, 1993). Even those who adhere to views of a multi-dimensional construct have differing opinions about the number of dimensions of that construct (Choi & Kim, 2015).

In Table 2.1 below, I present a summary of some of the more salient conceptualisations in the literature relating to the strategies of emotion work/labour. These studies represent both seminal and established works which sought to define and delineate the emotion work/labour construct. Notably, the debate about the nature of emotion work/labour is ongoing, and no one specific theory prevails (Choi, Kim, Lee & Lee, 2014). In the next section, I outline my perspective of emotion work in this study positioned amongst the literature so far.

2.4.2 My perspective of emotion work

Research in relation to the conceptualisation of emotion work is vast and growing. It is pertinent for me to outline my perspective of emotion work in my study. In doing so, I considered different theories surrounding the concept of emotion work. I relate these theories to the practice of family law in which practitioners are prone to regulate their feelings and are expected to express emotions that are aligned with various emotional display rules. During social interactions with clients, employees are required to express emotions as a requirement of the job. The work of family law practitioners involves a high level of social interaction with people both inside and outside their organisations. Emotion work is argued to be demanding due to the frequency of interactions with clients (Morris & Feldman, 1996) and the various expectations to display specific emotions (Wharton & Erickson, 1993). A family law practitioner must engage with emotion management to display the appropriate emotions.

Based on my synthesis of the theoretical perspectives, I align with Ashforth and Humphrey's (1993) and Grandey's (2000) perspectives of emotion work. In my study, the emotion work construct comprises three dimensions: surface acting, deep acting, and genuine emotion. While I acknowledge the inclusion of detachment in Ashforth and Humphrey's (1993) work, I have not incorporated it in my understanding of emotion work among family law

Author(s)	Conceptualisation of emotion work/labour	Emotion work/labour dimensions	Outcomes of emotion work/labour
Bolton (2000)	The act of attempting to change an emotion or feeling so that it is appropriate for any given situation	Pecuniary Prescriptive Presentational Philanthropic	Positive and negative outcomes
Strazdins (2000)	The behaviours performed to improve emotional well-being in others and to create cooperative and positive social relationships	Companionship Help Regulation	Positive outcomes
Grandey (2000)	The process of regulating both feelings and expressions for organisational goals	Surface acting Deep acting	Positive and negative outcomes depending on whether surface acting or deep acting is being employed
Morris and Feldman (1996)	The effort, planning, and control needed to express organisationally desired emotion during interpersonal transaction	The frequency of customer interactions, the attentiveness to emotional display rules, the variety of emotions required to be displayed, and the level of emotional dissonance generated	Negative outcomes for employees
Ashforth and Humphrey (1993)	The act of displaying the appropriate emotion	Surface acting Deep acting Genuine Emotion Detached concern (detachment)	Positive outcomes for those who identify with roles
Rafaeli and Sutton (1987)	The work requirements which specify the emotions that employees are expected to display, independent of how they actually feel	Emotional harmony Emotional dissonance Emotional deviance	Positive and negative outcomes
Hochschild (1979)	The act of trying to change, in degree or quality, an emotion or feeling that is appropriate for a given situation	Evocation Suppression	Negative outcomes for employees, alienation

Table 2.1: Seminal emotional work/ labour definitions, constructs, and outcomes

practitioners as I consider it as an emotion management strategy. Family law practitioners are prone to regulate their feelings and are expected to express emotions in accordance with various display rules. Further, I incorporate Grandey's (2000) view of emotional labour in my concept of emotion work. Her views encompass the regulation of both feelings and the expression of emotions for organisational goals. Such a notion allows for the possibility of both positive and negative outcomes (Grandey, 2000), depending on whether the employee is engaging surface acting or deep acting.

Family law practitioners tend to use these three dimensions when managing and displaying appropriate emotions in accordance with diverse formal and informal display rules. By appreciating the effects of the breakdown of familial relationships, family law practitioners often utilise surface and deep acting to manage their emotions and the emotions of others. Sometimes, a family law practitioner may need to perform surface acting and falsify a display of emotion such as frustration with the other party in order to finish taking their client's instructions.

On other occasions, a practitioner may need to engage with deep acting to attempt to understand the worries of financial hardship for a client. Furthermore, employees who identify with their roles and enjoy a high level of autonomy could display more natural responses and the use of genuine emotion (Ashforth & Humphrey, 1993). As such, family law practitioners may use genuine emotions, such as empathy, with clients who are in an abusive relationship or going through a messy divorce. Family law practitioners are prone to regulating their feelings and are expected to express emotions that are aligned with various display rules.

Notably, emotion work possesses three characteristics (Zapf, 2002). These are that emotion work occurs in face-to-face or voice-to-voice interactions with clients, they are displayed to influence other people's emotions, attitudes and behaviours, and the display of emotions has to follow certain (display) rules (Hochschild, 1983; Morris & Feldman, 1997). Family law practitioners satisfy these three characteristics as they perform emotion work. Firstly, they perform a significant amount of emotion work as they engage in face-to-face or voice-

to-voice interactions with people. This type of social interaction is the nature of the legal role, particularly as the legal practitioner is providing a service to the client. Secondly, family law practitioners use emotions to influence other people's attitudes, behaviours, moods or emotions. They do so by speaking in a soft, calming voice to soothe an upset client or engage in discussions to help a colleague cope with a difficult case.

Family law practitioners use the emotion work strategies of surface acting, deep acting, and genuine emotion when seeking to influence other people's emotions. Thus, emotion is a central focus of their work. Emotion work or 'sentimental work', can be considered as a secondary task and it considers the emotional responses of the individual to whom the work is done (Zapf, 2002). In the context of family law, the primary task for the family law practitioner may be to obtain a divorce for the client. In such a process, a client may feel scared or angry. Therefore, the family law practitioner would engage in the secondary task of sentimental work to change the clients' emotions to a desired direction to make the primary task possible (Zapf, 2002). Finally, family law practitioners comply with a range of display rules when interacting with others as I have established earlier in this chapter.

The family law practitioner utilises a range of emotion work skills to manage everyone's expectations to which they must adhere. As such, family law practitioners may experience a conflict in displaying appropriate emotions. This is especially so when they comply with display rules relating to their professional emotions, organisational emotions, and informal client emotions. Although some studies have examined the requirement for employees to manage multiple display rule expectations, it is unclear whether studies have examined how perceived conflicts may influence how family law practitioners perform emotion work (Kadowaki, 2015). One needs to understand the dynamics of emotion work in the context of family law practitioners to appreciate how they utilise emotion work skills to comply with display rules. I now review the literature on emotion work in the legal profession to shed light on findings of the unique role of emotion work in the legal profession with an emphasis on family law practitioners.

2.5 Emotion work among family law practitioners

Studies conducted on emotion work in the legal profession have been mainly qualitative in nature. These studies have focused on emotion work of paralegals (Pierce, 1999); barristers (Harris, 2002); Magistrates (Roach Anleu & Mack, 2005); legal executives (Francis, 2006); District judges (Cowan & Hitchens, 2007); and immigration solicitors (Westaby, 2010). To date, there has been a paucity of studies on emotion work among family law practitioners (Kadowaki, 2015). Recently, researchers have explored how lawyers and other legal professionals use emotion work to benefit clients (Lively, 2002; Pierce, 1995), how client interaction affects the relationship between legal professionals (Lively, 2002; Harris, 2002; Pierce, 1995), and whether high client interaction with paralegals can influence their emotion management (Lively, 2002). In most studies involving emotion work, researchers have focussed on the level of socialisation and influence of organisational culture. These factors have informed legal professionals how to employ emotion work management strategies (Wharton, 2009). As such, there is a gap exists in the literature about the range and variability of emotion management strategies the family law practitioner can employ in conducting emotion work (Wharton & Erickson, 1993). In this section, I aim to explore the role of emotion work among family law practitioners and how they can utilise it to their advantage.

A requirement of membership of the legal profession is to adhere to customs and behaviours that reflect the ethos of the legal profession. Both Abbott (1988) and Fournier (1999) argue that the defining characteristics of professions establish authority over an esoteric body of knowledge, self-regulate membership, and define appropriate conduct by professionals. Professionals are aware that they can achieve status by creating and maintaining distance from their clients during social interactions (Mather, McEwen & Maiman, 2001; Sarat & Felstiner, 1997; Becker, Geer, Hughes & Strauss, 1961). Such interactions are guided by professional ethics and codes of conduct (Mather et al., 2001; Fournier, 1999; Hutchinson, 1998). Professional ethical codes regulate behaviour but also serve a symbolic purpose of presenting the profession as a unified and autonomous body which

shares a service ideal (Francis, 2005). As such, admission into the legal profession is regulated and the professional conduct is modulated by the codes of the professional association. This professional conduct manifests itself as emotion work.

Family law practitioners function in an environment that requires the practice of emotion work. They conduct a significant amount of emotion work to meet requirements of display rules and professional discourses (Yakren, 2008). As Silver (1999) argues, lawyers learn and internalise that they should control their emotions at work. The traditional view is that lawyers should foster control of emotions since they are logical and rational thinkers (Watson, 1968) is embedded in their training. As Elwork and Benjamin (1995) argue, rational thinking is thought to devalue emotional responses on the job. Thus, the disposition of law students, their training in law school, and socialisation into the profession contribute to legal practitioners' tendencies to deny the expression of their emotions (Silver, 1999). However, given that family law practices involve emotions, practitioners cannot avoid practising emotion work with their clients.

Researchers have established that the use and management of emotion is an essential and vital facet of work for legal professionals. Westaby (2010), Roach Anleu and Mack (2005), Harris (2002), Lively (2002), and Pierce (1995) can attest to that. These scholars have advocated that legal practitioners espouse the benefits associated with the expression and use of emotions on the job. Jordan, Lawrence, and Troth (2006) argue that strong emotions can have either positive or negative effects on performance, and as such, it is essential that both employees and employers understand how to use emotions to influence other stakeholders' emotional reactions. During these interactions, family law practitioners need to comply with display rules that may be different for each stakeholder. Conflict with display rules, whether within the same display rule (intra display rule conflict) or among several display rules simultaneously (inter display rule conflict), can influence how the family law practitioners perceive and deal with such conflicts which are due to the multiple roles that family law practitioners have. In the next section, I discuss the

complex nature of the roles of family law practitioners and how their compliance with various display rules can reveal a unique and intricate situation as they negotiate their way through the multiple display rules.

2.6 The multiple roles of family law practitioners

There is a growing recognition in research that employees typically manage multiple roles (Wharton & Erickson, 1993). I refer to 'role' as a set of expectations that an employee must satisfy when interacting within and beyond an organisation's boundaries (Van Sell, Brief & Schuler, 1981; Katz & Kahn, 1966; Banton, 1965). Such role expectations are defined as "*the prescriptions and proscriptions associated with a given role*" (Katz & Kahn, 1978, p. 179). Display rules are an important part of role expectations as they govern and dictate the emotional displays of the employee (Ashforth & Humphrey, 1993).

Family law practitioners assume roles within their professional milieu daily. These roles can be as legal practitioners, subordinates, supervisors, and colleagues. They work with other stakeholders within and across the organisation as well as outside their organisations. Such stakeholders not only include all staff associated with working in a law firm but also individuals/agencies that sit outside the law firm such as, clients, court staff, inter-agency staff (i.e. social services), and opposing parties. According to Van Sell, Brief and Schuler (1981), these stakeholders, or 'role senders', all have different expectations of the employee. Sometimes legal practitioners have collaborating roles that span organisational borders to which Needham, Mastracci and Mangan (2017) and Lindsay and Dutton (2012) refer to as 'boundary spanning'.

2.6.1 Boundary spanning roles of family law practitioners

A family law practitioner receives instructions from a client and interacts with other parties including, court staff, social services, child support agency, housing agencies, and other legal representatives. Stakeholders who interact with family law practitioners could work either within or external to the practitioner's firm (Kahn, Wolfe, Quinn, Snoek & Rosenthal, 1964). These

different stakeholders who work in different organisations may all have varying expectations of the family law practitioner. Interacting with these parties signifies boundary crossing which requires the practitioner to have a range of skills. Boundary spanners recognise the importance of interpersonal skills as well as the ability to understand and respond to the motivations and interests of others. Furthermore, they can empathise and understand other stakeholders' perspectives (Williams, 2002). Caldwell and O'Reilly (1982) concur and argue that people who perform boundary spanning roles must be sensitive to social cues of different people and groups in order to carry out their function effectively. Grandey and Diamond (2010) have noted that boundary spanners "*have frequent conversations with two masters*" (p. 339). Thus, boundary spanners engage with a high level of emotion management as they comply and adhere to multiple and varying display rules.

Family law practitioners, as boundary spanners, must pay attention to the emotional displays of everyone with whom they encounter. Within boundary spanning roles it is necessary to develop interpersonal trust across the boundaries (Williams, 2007) and build rapport to ensure perceptions of trust and competence (Needham, Mastracci & Mangan, 2017; Wharton & Erickson, 1993) and this can result in positive emotional displays for boundary spanners. Trust and collaboration are key factors in influencing interorganisational relations (Williams, 2002; Webb, 1991). Conversely, mistrust is commonly a barrier to cooperation and collaboration between organisations and professional boundaries (Webb, 1991). As Kahn et al. (1964) argue, boundary spanners rely heavily on "*the affective bonds of trust, respect, and liking*" as they perform their roles to avoid mistrust (p. 123). The need for such affective bonds implies that employees in boundary spanning roles must be cognisant of their emotional displays as they adhere to a wide range of display rules. The result of following multiple display rules and boundary spanning can be role conflict. I now discuss the intricacies of role conflict that family law practitioners face as they comply with multiple and sometimes conflicting display rules.

2.7 Role conflict

The multiple roles that family law practitioners assume can be regarded as sub-roles. Each role has a set of expectations that stakeholders demand from family law practitioners within and outside of the firm's boundaries (Van Sell, Brief & Schuler, 1981). I have established that family law practitioners may be required to carry out two or more roles which may conflict with each other (Parker & Wickham, 2005; Miles & Perreault, 1976). There may also be circumstances where a family law practitioner has a role that conflicts with their value system. For example, a family law practitioner may represent a client in family proceedings who is guilty of child abuse. The practitioner may feel conflicted to represent such a client who has behaved in a way that is contrary to the practitioner's value system. Further, there could be a circumstance when a practitioner minimises their values and morals to fit in with the wider firm culture thus leading to identity interference (Settles, 2004). These are just two examples that demonstrate role conflict for the family law practitioner (Kahn et al., 1964).

In my study, I align with Van Sell, Brief & Schuler (1981) to define role conflict as the incongruity of expectations associated with a role. Notably, I am not including or referring to role ambiguity in my research. This is because role ambiguity relates to a lack of clarity regarding the expectations of a role, methods for fulfilling that role and/or consequences of role performance (Graen, 1976). Role ambiguity is outside the scope of my study as I focus on the emotion work experiences of family law practitioners as they comply with multiple display rules. In my study, I accept that family law practitioners are aware of the expectations, parameters and methods used to perform their role and sub-roles.

There are several factors that can lead to role conflict. The role episode model by Kahn et al., (1964) provides a useful frame to examine those factors. This role episode model depicts the interpersonal process between the person performing the role (focal person) and the expectations of the stakeholder(s) (role senders). This model considers that organisational, personal and interpersonal factors which may affect the role episode. Role episode refers to

the exchanges that take place between the role senders and the focal person. Here, the role sender's expectations are interpreted and perceived by the focal person. The focal person then behaves according to their perceptions of the role sender's expectations and the role sender responds by either approving such behaviours or sanctioning them (Champoux, 2010). According to Van Sell, Brief & Schuler (1981), these three factors may affect role episodes as they influence the role senders, the focal person or the relationship between them. Role conflict can lead to pain in the workplace. I now turn to explore and analyse the literature surrounding emotional pain and toxicity in the workplace family law practitioners as they deal with any potential conflict.

2.8 Emotional pain and toxicity in the workplace

In addition to the emotional demands of 'people-work', common workplace events such as redundancies, personality conflicts or unreasonable customers can also generate intense emotional pain for employees (Ward & McMurray, 2015; Frost, 2004). Strong emotions which characterise pain include anger, frustration, stress, and fear. Unfortunately, emotional pain in organisations is inevitable. However, it is the way in which organisations handle such pain that could make all the difference for employees (Gallos, 2008). In organisations in which emotional pain is not managed well and the negative emotions build up over time, the employees may find themselves working in toxic cultures. Toxicity in organisations can act like a poison, that can invisibly spread and permeate a person and/or the organisation resulting in employees feeling devalued, demoralized, or hopeless (Frost, 2004).

According to Frost (2004), there are seven potential sources of toxicity in the workplace, which he calls the '*deadly Ins*' (p. 36). These include Intention (where managers/supervisors intentionally create pain for others); Incompetence (from managers who lack appropriate training to form productive relationships with staff); Infidelity (betrayal by a manager which destroys trust); Insensitivity (a lack of empathy and compassion); Intrusion (work-life imbalance); Institutional forces (work policies that hurt workers); and Inevitability (unintended consequences of change, such as the death of a co-worker). Other sources of pain in the organisation could come from toxic

people including employees and clients (Frost, 2004). Ward and McMurray (2015) concur and acknowledge that pain can also arise from the work tasks themselves. Essentially, adjusting organisational structures and relationships may help to ease the pain of the job, but attention must also be given to pain inherent in work tasks.

Implicit in the organisational culture is the expectation that employees will absorb and manage their own emotions and reactions. However, some employees may adopt a special role of 'toxin handler' in order to cope and alleviate toxicity in organisations (Frost, 2004). Toxin handlers are empathetic and help to neutralise, dissipate, and disperse the organisational toxicity that builds up over time in stressful workplace situations. According to Frost & Robinson (1999), toxin handlers are people within an organisation who voluntarily bear the sadness, frustration, and anger that are endemic to organisational life.

Potentially, a toxin handler is one who enables colleagues to offload, offer solace and advice or is a supervisor who quietly assumes work duties for subordinates in need of extra time and care because of family or health concerns. Toxin handlers can carry out their roles either informally or formally. Informal toxin handlers may create space in 'backstage areas' in organisations to enable colleagues some emotional release. Other methods of informal toxin handling are gossiping (Waddington, 2012) and venting (Gallos, 2008). However, Gallos (2008) acknowledges the risk that venting emotions could result in spreading or worsening emotional pain for others in the organisation, thus leading to further toxicity. Ward and McMurray (2015) suggest that at some point all workers act as informal toxin handlers to colleagues to help to minimise pain turning into toxicity.

Formal toxin handling, on the other hand, is generally undertaken by specifically appointed people within the organisation, such as HR practitioners. The formal role involves contact and communication with a variety of colleagues in an organisation. As colleagues grow to expect such support, the responsibility of the toxin handler is both emotionally intense and important (Ward & McMurray, 2015). In whatever capacity, toxin handlers are vital in

managing the relationship between organisational pain and toxicity in the workplace (Ward & McMurray, 2015; Frost & Robinson, 1999).

Family law practitioners may assume the role of toxin handler. Kobasa (1982) argues that lawyers cope and manage toxicity by talking with others about the stresses of their profession. Working within an emotive area of law may demand that family law practitioners share experiences with other colleagues daily. A family law practitioner who manages others may adopt an informal toxin handler role as they listen to their colleagues offload about a difficult case. However, a formal toxin handler role may be more problematic for family law practitioners within the wider legal culture. For example, lawyers are obliged to account for and record their time for billing purposes. Thus, a family law practitioner who has the role of formal toxin handler may also experience pressure if they are not achieving work targets because of the extra time they spend helping colleagues to feel better at work. This additional activity may then result in the family law practitioner having to work extra hard to catch up on legitimate tasks which could contribute to working longer days or stress (Frost, 2006). In these circumstances, the family law practitioners may seek to offload with a support system outside of the workplace, such as with friends and family (Carlson & Perrewé, 1999; Greenhaus & Parasuraman, 1994). Furthermore, inevitably, toxin handlers experience burnout. Considering this, it is appropriate that I examine other workplace dynamics that could influence how family law practitioners may cope and deal with any conflicts arising from display rules. Such dynamics can be explained in terms of power as a form of social support which I address in the next section.

2.9 Emotion and power in the workplace

During interactions family law practitioners may seek support or enable colleagues to offload or share experiences. Such interactions can provide insights into understanding organisational behaviour. The social exchange theory is a useful paradigm for understanding workplace behaviour (Cropanzano & Mitchell, 2005). Although different views exist, theorists agree that social exchange involves a series of interactions that generate obligations between and among the parties (Emerson, 1976). Furthermore, social

interactions tend to be interdependent and contingent on the actions of another person (Blau, 2017). It is noted that people engage in an exchange process once they have evaluated the cost/benefit and will thus, enter relationships in which they can maximise benefits and minimise costs (Nunkoo & Ramkissoon, 2012). From the perspective of the social exchange theory, family law practitioners may engage in social support or communal coping if the benefits outweigh the costs.

Fundamental to social exchange theory is the concept of power between the parties in an exchange process (Emerson, 1962). An accepted definition of power is one's (perceived) ability to influence others (Fiol, O'Connor & Aguinis, 2001). French and Raven (1959) provide a useful typology of social power when considering power dynamics in the workplace. The typology indicates that people can develop six types of social power at work: legitimate, reward, coercive, referent, information, and expert. These types of social power exist in a law firm context. Colleagues may be perceived as having power due to their position in the firm (legitimate power), their ability to provide rewards (reward and coercive power), their need to seek approval from supervisors (referent power), their ability to control information (information power), or because of their perceived legal expertise (expert power). Furthermore, perceptions of power are influenced by a range of role stereotypes including type of work, job title, and level of experience. Such stereotypes also influence perceptions of emotions and as such, the interplay between emotion and power in relationships (Tiedens, Ellsworth & Mesquita, 2000).

Emotions and power have an intricate relationship particularly in the workplace (Levine, 2010). This is because the display of emotions can affect perceptions of power and status (Hareli & Rafaeli, 2008). For example, researchers have found that people award more status to those who express anger than those who express sadness (Tiedens, 2001). Similarly, people who show fear tend to be associated with diminished power in social relationships (Hess, Blairy & Kleck, 2000). However, findings in relation to which emotions are perceived as depicting power are divergent as emotion expectations within social contexts are not universal. Thus, a smile may connote confidence and power in one

context whereas it may indicate embarrassment or submission in another (Hecht & LaFrance, 1998).

Power can influence emotion in two ways. The first is by shaping people's emotional displays (Ragins & Winkel, 2011). In this way, those who are perceived to have power have more freedom to express emotions and may be better equipped to strategically use their emotions to gain compliance and influence in their work relationships (Côté & Hideg, 2011). The second way that power can influence emotion is by shaping how people react to the emotional displays of others (Ragins & Winkel, 2011). Here, status influences perceptions and some studies have found that low status individuals have cause for displaying powerless emotions as they are more likely to be exposed to negative conditions at work such as unfair treatment (Conway, DiFazio & Mayman, 1999). Ragins and Winkel (2011) argue that people's status at work influences the expectations and behavioural reactions of others. Further, Webster & Foschi (1988) note that the status associated with group memberships are imposed on the individual. A newly qualified family law practitioner, for example, may be viewed as having less status than a colleague who has been qualified for ten years.

Emotion scholars argue that status creates expectations about emotions (Tiedens et al., 2000; Conway et al., 1999). Thus, a colleague who is perceived as having status is more likely to display emotions that are congruent with perceptions of power and therefore, those with status are viewed as competent (Tiedens et al., 2000). These expectations create a cycle of power in workplace relationships where those with low status are expected to display emotions that maintain their powerless position, whereas those with power are expected to display emotions that reinforce their power status.

It is argued that lawyers have power (Heinz, 1982). This notion may stem from classic theory about the nature of the professions, which states that professionals are distinguishable because of the autonomy or control over the work they carry out. This autonomy coupled with specialised knowledge means that the professional has a great deal of control in determining how to go about doing the work (Heinz, 1982). The level of control a lawyer has over

his or her work may be contingent upon how he or she approaches the concept of client representation. For instance, client resources and fee structure influence lawyers' approach to representation (Mather, 2003). A fixed fee legal aid case encourages a divorce lawyer to minimise the time he or she spends on a case and to take more control in the case. Lawyers who practise legal aid work benefit from a quick turnover of cases and may exercise considerable client control (Mather, 2003). In a similar vein, family law practitioners, who work in a high-volume practice, are not dependent on one client as a significant source of their income. As such, the family law practitioner can use leverage to decide whether to take on a client who is reluctant to accept their advice (Heinz, Laumann, Nelson & Michelson, 1998).

The display of emotions influences power and, in turn, power influences both the display of and reactions to emotion displays. This intricate relationship reveals a cyclical dynamic between emotion and power such that perceptions of power in the workplace can be maintained or depleted. The interplay between emotion and power is prevalent in the law firm context and among family law practitioners. Emotion and power will influence how family law practitioners interact with one another as well as interact with stakeholders. I now turn to discuss the theories that underpin this study.

2.10 Theories underpinning this study

I approach my study from the perspective of a set of sociocultural theories. A sociocultural approach enables me to examine the ways in which social and cultural factors in the legal profession influence the thoughts, behaviours, and feelings of family law practitioners (Sanderson, 2010; Allport, 1985). Furthermore, this approach allows me to explore factors that can explain how family law practitioners behave in different situations. In this way, I can gain insights into their thoughts, feelings, beliefs, and intentions as they interact with others (Allport, 1985). As such, I can understand and make sense of the experiences of family law practitioners in this study. The two sociocultural theories that guide me and underpin this study are professional identity theory and communities of coping. In this section of this chapter, I will discuss these theories separately to show their relevance to my study.

These two theories focus on different aspects of the display rule dimensions within the legal profession. While the professional identity theory informs understanding of organisational factors within display rule dimensions, the communities of coping theory informs understanding of individual factors within display rule dimensions. According to these theories, emotion work is an interactive process through which conflicting displays rules may influence family law practitioners' professional identity and their ability to deal with incidents of contradicting rationalities. Each of these theories involve dialogue, interactions with others, and coping with emotions. These theories inform my research design with respect to my choice of methodological approach, my methods of data collection, and my analysis of data to address my research questions (Maxwell, 2005).

I acknowledge that other socio-cultural theories, such as the dramaturgical theory, may also allow me to explore display rule conflict. This theory suggests that individuals perform at work to create specific impressions in the minds of others (Goffman, 1949). For instance, an employee's behaviour is analogous to the act of performing on stage (Ashforth & Humphrey, 1993) and the customer is the audience (Goffman, 1949) in which case, the organisation's written and unwritten rules of acceptable and unacceptable behaviours are considered the script (Brown, 2010). Goffman (1949) distinguished between interactions that are 'front stage' where actions are visible to the audience and 'back-stage' where there is no audience present. While dramaturgical theory appears to be a suitable theory to use to examine display rule conflict, I am not seeking to focus on impression management and examine how employees avoid contradictions between front stage and back-stage (Goffman, 1949). I set out to explore and understand actual experiences of display rule conflict. A dramaturgical perspective would narrow my view of the phenomenon of experiences of display rule conflict and would focus my attention on behaviour based on acting rather than examining the interplay of display rules for family law practitioners.

Another socio-cultural theory that I have discounted in this research is symbolic interactionism. This theory informs how people interact with others to create symbolic worlds that help shape the behaviours of individuals

(Blumer, 1969). Symbolic interactionism seeks to explore the interpretation process during interactions and helps to create and recreate meaning. Furthermore, shared understanding and interpretations of meaning influence the interactions among people. Although family law practitioners constantly interact with others on the job, my aim is not to explore dynamics during such interactions. Nor do I wish to understand how family law practitioners achieve mutual understandings and shared meanings of their experiences. I set out to understand experiences of display rule conflict among family law practitioners and how they deal with such conflicts. I acknowledge that family law practitioners cope with such conflicts individually and communally. I now discuss the professional identity theory that underpins my study.

2.10.1 Professional identity theory

The professional identity of family law practitioners depends on their experiences on the job. These experiences are the type of family law they practice, with whom they interact, their beliefs of their duties as family law practitioners, and the emotions they experience. Family law practitioners' professional identity determine how they relate to their profession and stakeholders (Pratt & Foreman, 2000; Elsbach, 1999). In this study, I align with Mael and Ashforth (1992) to define professional identity as,

"the extent to which one defines him or herself in terms of the work he or she does, and the prototypical characteristics ascribed to individuals who do that work" (p. 106).

I include both the social identity and the role identity theories in my approach to this study of professional identity of family law practitioners. Burke and Stets (2009) argue that there is more merit in the unification of the two identity theories as it serves to avoid duplicating theories about the self and it provides a uniform approach to the multifaceted nature of identities. The main difference I note between the two theories is that social identity theory focuses on the meanings associated with being a member of a group while role identity theory focuses on the meanings associated with performing a role (Burke & Stets, 2009). The family law practitioners in my study can distinguish between their social identities as members in their professional group of family law

practitioners and their role identities by the roles in which they engage as family law practitioners.

The identity of individuals in an organisation can be referred to as their social identification within that context. According to Ashforth and Humphrey (1993) social identification is the perception of belonging to a group. As individuals begin to identify with a given group, they assume the characteristics of members of the group (Turner & Oakes, 1989). In this way, individuals develop a sense of who they are by their values, goals, beliefs, and their actions. One's membership in a specific group fosters a degree of pride and enhanced self-esteem because of the unique characteristics that distinguish them from members of other groups (Tajfel & Turner, 1979). According to social identity theory, individuals who strongly identify with their organisational roles, tend to feel most authentic when they are complying with role expectations (Ashforth & Humphrey, 1993). As such, those employees feel comfortable with "themselves" when they are carrying out the role of the extroverted salesperson or the sympathetic counsellor. However, individuals who define themselves in terms of other social groups whose display rules are misaligned with those of the organisational role are more likely to experience emotional dissonance (Ashforth & Humphrey, 1993).

Stryker and Burke (2000) argue that identity theory suggests that the various identities of individuals are arranged hierarchically according to their salience. A strong role identity implies that the employee regards their role within a social group as the defining characteristic of who they are as an individual (Stryker, 1987). Tajfel and Turner (1985) and Hogg and Terry (2000) argue that the social identity theory suggests that people classify themselves and others into various social categories because it reduces uncertainty, provides self-enhancement, and provides the individual with a sense of belonging (May, Gilson & Harter, 2004). Notably both identity and social identity theorists agree that when professionals identify with their profession, they incorporate professional values and attitudes into their own self-identity and will perform the role expectations of their profession (Caza & Creary, 2016). Family law practitioners may identify with their role as family practitioners within the firm, as legal representatives for clients, and as practitioners within the profession

(Ashforth & Humphrey, 1993). As family law practitioners assume the various roles, they may comply with multiple display rules concurrently and this can lead to perceptions of display rule conflict. Such display rule conflict can be resolved by communities of coping which I address next.

2.10.2 Communities of coping

Communities of coping informs the aims of my study. I draw from Brown and Duguid (1991) and Lave and Wenger (1991) who argue that informal, social modes of workplace learning can be regarded as 'communities of practice'. In the practice of family law communities of coping support family law practitioners who are service workers. Communities of coping arise when service workers experience conflicts on the job due to conflicting display rules. Communities of coping have a collective nature referred to as collective emotional labour (Korczynski, 2003; Domagalski, 1999; Fineman 1996). In discussing the concept of collective emotional labour in a study of flight attendants, Hochschild (1983) notes that the upbeat banter among flight attendants was a means of emotional support. Korczynski (2003) argues that when service workers experience pain due to negative emotional interactions with customers, they develop informal communities of coping. Communities of practice might develop into communities of coping through team culture and informal socialisation (Raz, 2007). The concept of communities of coping, which builds on Hochschild's (1983) work, refers to emergent, informal, oral-based, and social modes of coping. These workplace communities comprise strong informal work group cultures which can be difficult for management to monitor and control (Korczynski, 2003). Consequently, management may try to manoeuvre and control employees' ways of forming workgroup cultures, through policymaking and team building exercises (Salaman, 1974). This theory informs how family law practitioners may cope if they perceive a display rule conflict.

Communities of practice promotes social learning which could be formal or informal. Social learning theorists have suggested that informal learning, or incidental learning (Schugurensky, 2000), is more significant for an individual than formal learning as it involves learning from others or personal experience

(Eraut, 2004; Boud & Middleton, 2003; Bandura, 1977). According to Wenger (1998), social participation within a community of practice is essential for informal learning. Communities of practices are informal in that they may or may not have an agenda and membership is self-selected (Wenger & Snyder, 2000). Wenger (1998) posits that communities of practice comprise three elements: domain, community and practice. Domain refers to a shared domain of interest which in the case of family law practitioners, could mean that their interest is in practising family law. The community element refers to members of a specific domain who interact and engage in shared activities, shared knowledge and experiences, and support and assist other members in the community. Finally, practice implies that members of the community should be practitioners within that community. Notably, informal discussions held by members of the same profession (i.e. family law practitioners) can facilitate the sharing and development of stories as well as cohesion (Wenger & Snyder, 2000). Learning can also aid in the development of identity which can provide a sense of belonging and commitment (Handley, Sturdy, Fincham & Clark, 2006).

An interesting facet of communities of coping is that they involve varying levels of participation. Community of practice is aligned with a social constructivist view of professional identity defined by communities at work (Andrew, 2012). In communities of practice members mutually engage with each other to discuss, define, and improve common practices using a shared gamut of strategies, language, and behaviours (Wenger, 1998). Wenger-Trayner and Wenger-Trayner (2015) identify five levels of participation. These levels of participation are core group, active, occasional, peripheral and transactional (see Figure 2.2).

The core group comprises a small number of people who essentially nurture the community. The active participants are practitioners who define the community. The occasional participants are members who only participate if the topic is relevant to them. The participants in the peripheral group tend to be newcomers or those who are less committed to the practice. Finally, the transactional participants are considered outsiders who are not members and

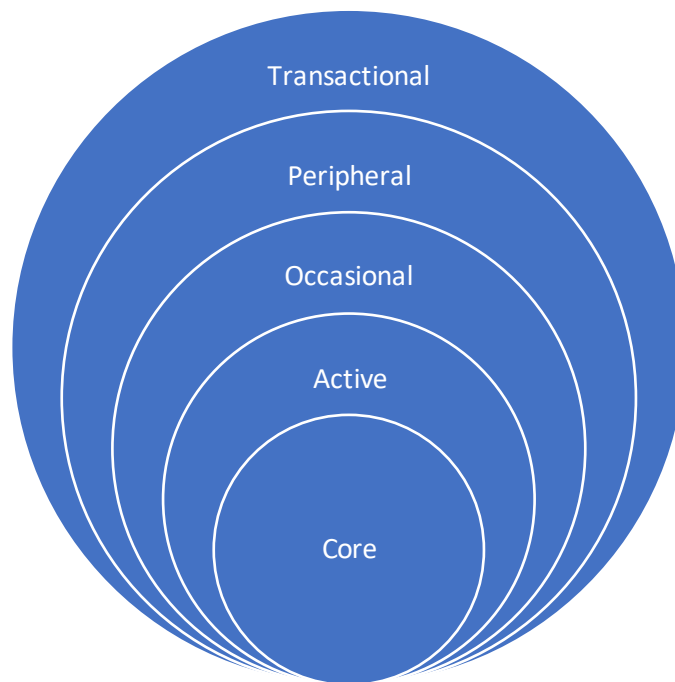


Figure 2.2: The five levels of participation adapted from Wenger-Trayner & Wenger-Trayner (2015)

who only interact with the community occasionally (Wenger-Trayner & Wenger-Trayner, 2015).

The notion of the varying levels of participation in a community of practice is interesting in the context of my study, particularly in relation to professional identity. Wenger (1998) notes that in any level of participation in social communities, employees construct their professional identities in relation to those communities. Within such communities, newcomers may shift from being on the peripheral to eventually achieving full participation within the core group (Wenger, 1998). Wenger (1998) also examines the notion of multi-membership of various communities of practice, where an employee operates in both worker and managerial roles. In my study, a family law practitioner who is a partner may hold both fee earner and supervisory roles and will inevitably assume multi-membership to different communities of practice. The notion of multi-membership can also apply to family law practitioners who work in a family law department and for a commercial law firm at the same time. Notably, regardless of membership in a community of practice, family law

practitioners who can be regarded as service workers, interact with clients as frontline workers.

Service workers manage their relationship with clients by giving them the impression that they control the dynamics between them. Korczynski (2002) observes that in the service sector, interactions are increasingly structured so that service workers control the interaction between them and their clients. When clients become disillusioned with such interactions they may react with anger. According to Leidner (1993), the anger that results from a customer's disillusionment is often directed at the front-line service worker. Benson (1986), who supports this idea, concurs that service workers who are positively disposed to customers, may experience greater pain if a customer is abusive to them because of their disillusionment. On the other hand, some employees display negative emotions by displaying displeasure with clients (Korczynski, 2003).

Communities of coping could provide informal support for family law practitioners whereby they could discuss work related issues and strategies to deal with display rule conflicts. Examples could be instances when a judge may reprimand a family law practitioner for failing to control their client or the family law practitioner may experience a client's angry outburst at court in front of peers. Whereas the practitioner may feel pain from an angry client, he or she may also feel pain from other sources including managers, judges, and colleagues. Practising lawyers experience stress because of excessive workloads, feeling unsupported, poor management, and long hours (The Law Society of Scotland, 2012). A Law Society report (2013) indicates that client expectations are the biggest areas of stress for lawyers. These instances may cause the family law practitioner to create a community of coping as a means of sharing these experiences or learning different ways in which to cope with such tense moments caused by display rule conflicts.

As such, I consider communities of coping as an essential component of my conceptual framework. The concept of communities of coping that constitutes my conceptual framework in this study refers to emergent, informal, oral-based, and social modes of coping. The concept of communities of coping,

which is under-researched, may be functional to management requirements. Furthermore, enabling employees to cope with systematic tensions that may arise at work could help preserve the social order in the workplace (Korczynski, 2002). Communities of coping may lead to emotional deviance where employees form resistance to management controls due to strengthening informal workgroup cultures. A gap exists in the literature about communities of coping for family law practitioners to help them to address display rule conflicts. As such, I assert that it is timely that I include this concept as part of the conceptual framework that underpins my study.

As I end this chapter, I have explored and examined literature in relation to emotions in the workplace. I refer to figure 2.3 below which is my conceptual framework of literature in my study. Figure 2.3 pulls together the various strands of literature covered in this chapter. I discussed notions of emotion management and, the concept of emotion work. In examining emotion work, I noted that this concept has been debated and under-researched particularly in the context of family law practitioners. Furthermore, family law practitioners have multiple sub-roles, some of which can be classed as boundary spanning roles as practitioners work with people across and outside their law firms. I explored the literature on the display rules to which family law practitioners much adhere when interacting with a multitude of stakeholders. Through critical examination of the literature and professional codes, I revealed that there may be occasions during which display rule conflicts can occur. As I delved further into literature, I demonstrated two potential types of display rule conflict – intra display rule conflict and inter display rule conflict. I then acknowledged that such display rule conflicts could lead to role conflict for family law practitioners as they negotiate which rules to prioritise.

In the process, I identified a gap in the literature in relation to the study of emotion work among family law practitioners. In addition. I also identified a gap in approaching the study of emotion work among family law practitioners from a theoretical perspective that incorporates the theory of communities of coping as part of my conceptual framework. Finally, I justified my choice of professional identity theory and communities of coping theory to develop the conceptual framework that underpins my study. These theories contribute to

my methodological approach, methods of data collection, analysis of the data I intend to collect, and how I address my research questions, aims and objectives. In the next chapter, I discuss my research philosophy.

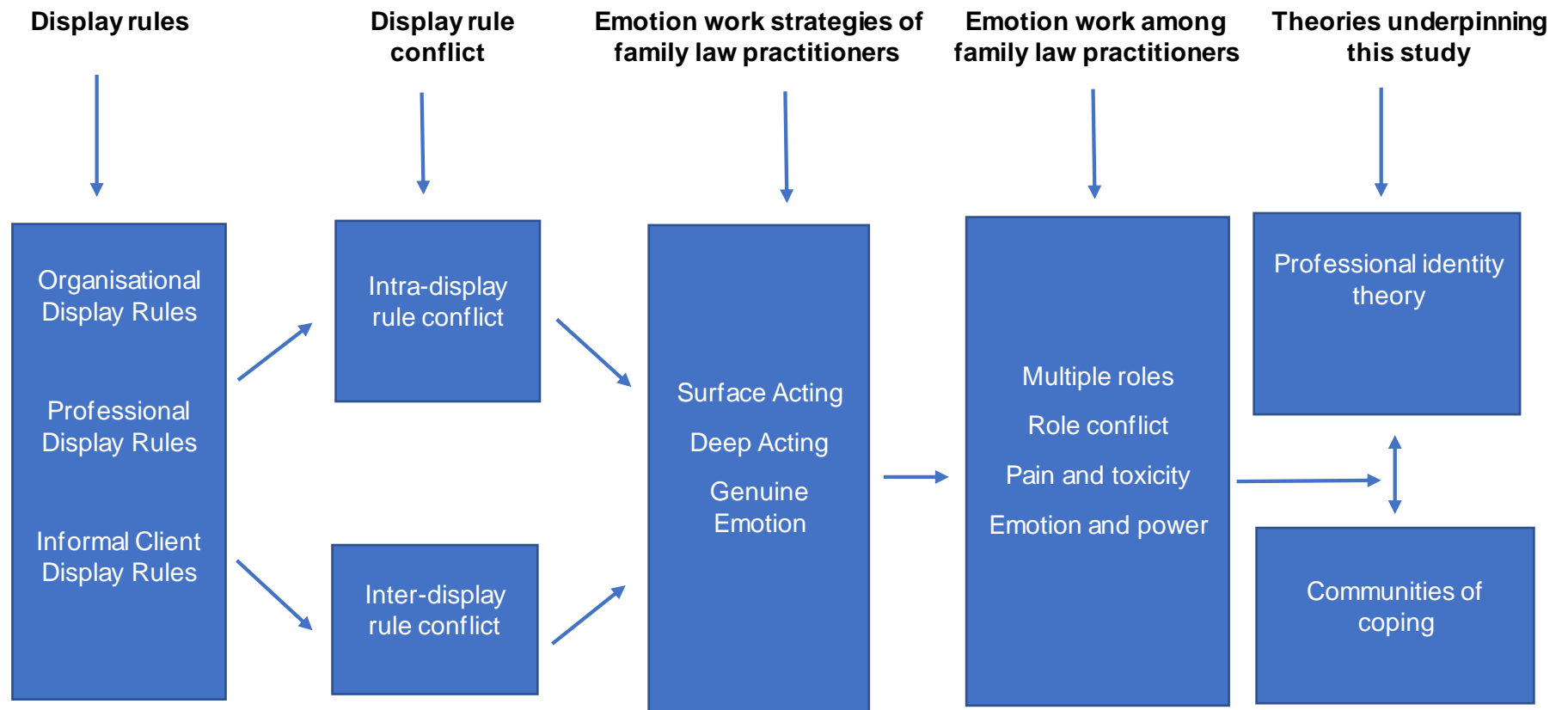


Figure 2.3: Conceptual framework of literature in my study

Chapter 3: Research Philosophy

In this chapter I present the philosophical assumptions underpinning my methodological approach in this study. In the process, I introduce the empirical strategies I utilised in my study. As I outline my research philosophy, I discuss my epistemological and ontological stances, my axiological assumptions, and my emic perspective to show how they support my choice of the research paradigm of interpretivism. I then discuss my positionality and reflexivity in this research.

3.1 Research philosophy

Research philosophy refers to a system of beliefs and assumptions made about the development of knowledge (Saunders, Lewis & Thornhill, 2009). As I develop new knowledge in the field of display rule conflict among family law practitioners, I am mindful that I will make several assumptions (Burrell & Morgan, 1979). These include assumptions about human knowledge (epistemological assumptions), assumptions about the nature of my reality (ontological assumptions), assumptions about the extent of and the ways in which my own values may influence my research (axiological assumptions), and my position in my research (emic perspective). All these assumptions will shape how I approach my research questions, my choice of method of data collection, and how I interpret my findings (Crotty, 1998).

I begin by outlining my epistemological, ontological, axiological assumptions, and emic perspective and explain how these led to my interpretivist research design. I set out to obtain knowledge of my participants' experiences from their interviews. An epistemological assumption of social constructivism was appropriate to do so (McMahon, 1997). Given that each participant's experiences of their practice may be different, it stands to reason that my ontological assumption is realism as I accept that reality is perceived as an individual construct in that "all human knowledge is developed, transmitted, and maintained in social situations" (Berger & Luckman, 1967, p. 3). In my view, it is possible to make sense of the same reality in different ways (Kafle,

2011; Lincoln & Guba, 1985). As a previous family law practitioner, I acknowledge that I am part of what is being researched and I position myself in my study. Thus, my axiological assumption is that my research is value laden and I acknowledge that biases may be present in the research (Denzin, 2007). Given my “insider” position in my research, I embrace an emic, rather than etic, perspective. Such epistemological, ontological, axiological and emic assumptions warranted an interpretivist research paradigm (Guba & Lincoln, 2005; Denzin & Lincoln, 1994; Guba, 1990; Hudson & Ozanne, 1988). In the next section, I address my epistemological assumptions.

3.1.1 Epistemology

Given that knowledge allows one to understand reality, then having a clear idea of how one generates knowledge is important. Epistemology concerns assumptions about knowledge and what constitutes acceptable and legitimate knowledge (Easterby-Smith, Thorpe & Jackson, 2012; Burrell & Morgan, 1979). Knowledge can stem from many different sources including numerical data, visual data, interpretations, and stories (Saunders, Lewis & Thornhill, 2009). Thus, different epistemologies exist. Easterby-Smith et al. (2012) as well as Crotty (1998) argue that ones’ epistemology determines the type of knowledge one generates in a field of study. They contend that such a philosophical stance allows one to acquire specific data for one’s study which are both adequate and of value. Additionally, epistemology allows one to differentiate between what may be ‘truth’ or what may be ‘false’, by use of an appropriate method of evaluation. One’s epistemological stance encompasses the nature of concepts, the validity of the sense, logical reasoning, thoughts, ideas, memories and emotions (Crotty, 1998). Researchers should be clear about their epistemological stance in order to conduct a study that can be considered as valid and can address the research question (Bateson, 1972).

I chose social constructivism as my epistemological stance. My rationale is that I consider that each person creates his/her own reality and meaning in each situation that they encounter (Jonassen, 1991). It is in this way that they socially construct their knowledge. I accept that reality is constructed through

a person's active experience of an event. Furthermore, I do not accept that we can have objective access to the world, since the world cannot be known in an objective sense. One's interpretation of a situation is as 'true' as any other person's interpretation and I do not believe that there is one single 'truth' or interpretation (Zimmerman & Dickerson, 1996).

Notably, I must distinguish between social constructivism and social constructionism, although the terms have been used interchangeably. An epistemological perspective of social constructivism enables me to create knowledge, giving meaning to what I observe (Jonassen, 1991; Von Foerster, 1984). From a social constructivist perspective, I would be focusing on culture and context in understanding what occurs in society and constructing knowledge based on this understanding (Derry, 1999; McMahon, 1997). Social constructionism focuses on the artifacts that are created through the social interactions of a group such as statutes or codes of practice. Social constructivism focuses on an individual's learning that takes place because of interactions within a group (Berger & Luckman, 1971). In my study, I focus on understanding the phenomenon of display rule conflict as experienced by family law practitioners.

A social constructivist epistemology is concerned with the understanding that knowledge is constructed and contingent upon human perception and social experience (Saunders, Lewis & Thornhill, 2009). Thus, truth or meaning is created from engagement with people's reality in the world (Crotty, 1998). This epistemological assumption provides an understanding that different people may construct meaning in different ways, even in relation to the same phenomenon. I believe that knowledge acquired from this epistemological assumption will enable me to gain insights into different experiences of display rule conflict among family law practitioners. Having stated my epistemological assumptions of social constructivism, I now discuss my ontological assumptions.

3.1.2 Ontology

Ontology refers to assumptions about the nature of reality (Saunders, Lewis & Thornhill, 2009). The main ontological debate is whether reality exists independent of human consciousness and experience, or whether it exists within our consciousness and only through experience (Levers, 2013). In delving into this debate, researchers are essentially questioning whether there is a single reality (realist ontology) or multiple realities (relativist ontology). However, the construction of a realism-relativism dualism has essentially only left us with only two contrasting views of reality (Willig, 2016). As a qualitative researcher, I am interested in how people construct meaning of their experiences, how they talk about such experiences and how they may engage with social practices. Thus, I embrace a constructivist perspective. In doing so however, it does not imply or mean that I am making a simultaneous commitment to ontological relativism or a subjective ontology. Instead, I adopt a realist ontology which asserts that reality exists outside the mind. However, in this way, I do not mean an objective ontology (Willig, 2016; Crotty, 1998).

A realist ontology often implies epistemological objectivism. While there are schools of thought that posit a necessary link between these, there are many scholars who disagree with that position (Crotty, 1998; Guba & Lincoln, 1994). Crotty (1998) provides a useful view of ontology where he argues that the world exists irrespective of whether humans are conscious of it. Furthermore, it becomes a world of meaning only when people make sense of it. He argues that accepting a world that exists independent of our consciousness does not imply that meanings exist independently of consciousness. He states,

“the existence of a world without a mind is conceivable. Meaning without a mind is not. Realism in ontology and constructionism in epistemology turn out to be quite compatible.” (p. 11)

I adopt a realist ontology in accordance with this view. My participants and I may have different perceptions and experiences of the phenomenon under study. In qualitative research, the researcher embraces the concept that the same reality can be made sense of in different ways (Kafle, 2011; Lincoln &

Guba, 1985). Reality is not something 'out there', but rather something that is specifically constructed (Denzin & Lincoln, 1994).

In the constructivist view, meaning is constructed because the world is already there. As humans, we assign meaning to the world by naming objects and attributing associations we give to those objects. Further, such associations may differ between cultures depending on the connotations related to that object (Crotty, 1998). Thus, we cannot describe an object without experiencing it nor can we describe our experiences without referring to the object. Crotty (1998) argues that the dichotomy between the subjective and the objective is untenable as the concepts are always united. This interaction between subject and object then is a rejection of both subjectivism and objectivism.

People interpret and give meaning to their experiences in different ways and this may be because their worlds are different (Stajduhar, Balneaves & Thorne, 2001). As noted by Guba and Lincoln (1985), universal "truths" give way to negotiated truths. Multiple interpretations of experiences mean that several or multiple realities exist and there are as many different realities as there are people (Levers, 2013). In my study, each participant has their own point of view. Thus, the focus of my research is on identifying the contextualised meaning of these multiple points of view. There is also the goal of creating a joint, co-constructed understanding of their experiences from the multiple realities that may exist (Guba & Lincoln, 1989). I view an interpretivist framework of inquiry in this study as appropriate since my realist ontological perspective and social constructivist epistemological stance enables my participants to understand their experiences and generate knowledge as they comply and deal with multiple display rules (Laverty, 2003). Next, I discuss my axiological assumptions in my research.

3.1.3 Axiology

In research, axiology is the philosophical study of value and is concerned with the role of researcher's values and ethics within the research process (Li, 2016; Saunders, Lewis & Thornhill, 2009). Axiology is often noted as the

collective term for ethics and aesthetics both of which focus on the notion of value (MacIntosh & O’Gorman, 2015). It is important for the researcher to understand what he or she values in their study because personal values influence a range of steps including how the research is conducted and what is valued in the findings. As I am a previous family law practitioner, I acknowledge that I am part of what is being researched and cannot be separated. In carrying out interpretivist research, I am seeking to understand the phenomenon being researched (Lee & Lings, 2008), rather than trying to predict or explain it. Thus, I seek to study the social reality from the perspective of the family law practitioner. The experiences and values of both myself and my participants will influence the data collection and analysis in my study (MacIntosh & O’Gorman, 2015).

In considering my axiological assumptions and the purpose of research, I acknowledge that I am seeking to carry out this study because I want to develop an understanding of the phenomenon of display rule conflict. In doing so, I value hearing and understanding the experiences of interacting with various display rules from the participants directly. This means that I value meeting with my participants so that we can engage in focused discussions unique to each participant. To understand this phenomenon, it is appropriate to use small sample sizes so that one can carry out in-depth investigations with participants. This form of data collection enables the researcher to obtain thick and rich data from participants (Saunders, Lewis & Thornhill, 2009). In taking this approach, I accept that research can result in different or ‘multiple realities’ (Cohen, Manion & Morrison, 2007). Next, I discuss my emic perspective to my research.

3.1.4 An emic perspective

Traditionally, in anthropological and social and behavioural studies, emic and etic refer to two types of field research and the viewpoints obtained (Headland, Pike & Harris, 1990). Emic is the viewpoint of a researcher who has gained personal first-hand experience of a social group, whereas etic is the viewpoint of a researcher who lacks the lived experience of the culture or society he or

she is studying (Chereni, 2014). One of the guiding concepts in qualitative research which seeks to understand social life, is the emic perspective (Given, 2008; Merriam, Johnson-Bailey, Lee, Kee, Ntseane & Muhamad, 2001). An emic perspective is fundamental to understanding how people perceive the world around them. It has been revered as being more relevant in the interpretation of a culture and understanding the experiences held within that culture (Godina & McCoy, 2000). The basis behind the reasoning that the emic perspective is more relevant is that it is impossible to truly comprehend and appreciate the nuances of a culture unless one resides or resided within that culture (Olive, 2014).

I adopt an emic perspective as a previous family law practitioner studying a phenomenon among family law practitioners. I embark on this research with a history and extensive experience of being a family law practitioner which means I had pre-understandings and experiences of what I describe in this study as display rule conflict. At times, I experienced both inter and intra-display rule conflict. I was always curious as to what other colleagues experienced and how they coped with any conflicts. Adopting an emic perspective means I can attempt to capture the indigenous meanings of real-world events from family law practitioners (Yin, 2010) and look at the phenomenon through their eyes (Coulacoglou & Saklofske, 2017; Willis, 2007). An emic perspective is grounded in a phenomenological view of the universe. Adopting an emic perspective allows for “multiple” realities depending on the role or perspective of the individual in the community (Headland, Pike & Harris, 1990). The validity of an emic construct is based on the community member's views and not on the external social scientist's views (Pike, 1993).

By contrast, the etic perspective encompasses an external view on a culture, meaning associations and real-world events (Olive, 2014). When a researcher takes an etic approach to his or her study, he or she uses pre-existing theories, hypotheses, and perspectives as constructs to see if they apply it to an alternate setting or culture (Willis, 2007). However, there remains a possible tension to be reconciled between the emic and etic perspectives as both

perspectives can form part of any understanding (Agar, 2011). According to Eppley (2006), to discuss the researcher's identity in the dichotomous terms of emic or etic fails to capture the intricacies of the dyadic relationship between the researcher and the participant. There are many qualities that can impact the position of the researcher during research including level of education, class, and race (Chereni, 2014). I acknowledge that although I am an insider, it does not automatically guarantee me greater proximity or better access to participants' stories (Ganga & Scott, 2006; Bridges, 2001).

Being either an insider (emic) or outsider (etic) in research has potential impacts on the research process. Given the inevitable subjectivity that every researcher brings to a study through past experiences and perspectives, a solely emic perspective is difficult to achieve (Headland, Pike & Harris, 1990). In a similar vein, it is difficult for researchers to declare themselves as purely outsiders since the researcher can tend to find some shared subject position with participants (Eppley, 2006). Thus, it is argued that there is no absolute insider or outsider status (Chereni, 2014) and as such, fieldwork identities can be fluid and complex (Eppley, 2006; Murray, 2003). The researchers' positionality is influenced by their emic or etic perspective. The term "positionality" has been used to capture the researcher-participant relationship during fieldwork (St. Louis & Barton, 2002).

Positionality is influenced by socio-cultural attributes including race, colour, gender, or class. Such attributes can influence a relationship in different ways and at different times. Thus, it can mean that the researcher's position in the researcher-participant relationship can change depending on the context (St. Louis & Barton, 2002). The researcher positions himself or herself in particular ways, however, he or she is simultaneously positioned by participants (Eppley, 2006). Alternatively, the researcher may overlook parts of the data because of assumptions of shared knowledge with participants (Kitzinger & Wilkinson, 1997). The position of both the research and the participant(s) are not fixed within the research process (Song & Parker, 1995). As a researcher with an emic approach, I am aware that my identity as a researcher as well as my experiences of display rule conflict will influence stages in my research (Shaw,

2010). I will engage with reflective and reflexive practices when considering my position in my research and how my identity may influence the research design, data collection and analysis. Such reflections are discussed in the researcher bias section in the next chapter. Next, I discuss my research paradigm.

3.1.5 Research paradigm

My ontological, epistemological, axiological assumptions along with my emic perspective enable me to interpret my data in multiple ways. As such, I chose interpretivism as my research paradigm (Guba 1990; Patton, 1990). My research paradigm determined the research methods I used to collect and interpret my data (Bazeley, 2003). Interpretivism does not allow for generalisations because it encourages the study of a small number of cases that do not apply to the whole population (Williams, 2000). Furthermore, the trustworthiness of such an approach is criticised as unreliable since the “self” as researcher can influence the results and findings (Finlay, 2003). However, measures can be taken to uphold trustworthiness. My research, utilising an interpretivist paradigm, empowered me to gain insights into my participants’ experiences from their perspectives (Macdonald, Kirk, Metzler, Nigles, Schempp & Wright, 2002) in a way that other research paradigms would not have enabled me to do. I explored a range of research paradigms to study emotion work before chose the interpretivist approach. Below in Table 3.1, I provide an outline of the differences among some of the more relevant paradigms that I considered in my study.

From a positivist perspective, an observer is expected to stand back and objectively observe the external world with a view to establishing causal explanations (Johnson & Duberley, 2000). In my study, I am not seeking to establish causal links between emotion work and other organisational factors nor am I seeking to make generalisations. I want to access and understand experiences of complying with multiple display rules because I believe that one’s behaviour is influenced by the way in which one makes sense of, and interprets, one’s surroundings. As such, a positivistic approach would not

Research Methodology			
Attributes	Paradigms		
	Positivist	Interpretivist	Critical (incl. feminism)
Ontology	<ul style="list-style-type: none"> - Researcher and reality are separate - Objectivity 	<ul style="list-style-type: none"> - Researcher and reality are inseparable - Subjectivity - Constructed reality 	<ul style="list-style-type: none"> - Relativism - Subjective-Objective - Constructed and historical reality
Epistemology	<ul style="list-style-type: none"> - Objective reality exists beyond human mind 	<ul style="list-style-type: none"> - Participatory - Knowledge of the world is constituted through a person's lived experience 	<ul style="list-style-type: none"> - Transactional - Researcher must share common values with participants
Axiology	<ul style="list-style-type: none"> - Value-free where the researcher is independent of the data and maintains an objectives stance (etic) 	<ul style="list-style-type: none"> - Value-laden where the researcher is part of what is being researched, cannot be separated and so will be subjective (emic) 	<ul style="list-style-type: none"> - Value-laden where the researcher is biased by world views, cultural experiences and upbringing (emic)
Principles	<ul style="list-style-type: none"> - To uncover the universal laws governing social events. 	<ul style="list-style-type: none"> - Describe, explain, and understand meanings, values and beliefs of social phenomena from participants and researcher's perspectives. 	<ul style="list-style-type: none"> - Co-creation of knowledge - Subjects are participants and sometimes co-researchers
Research Design	<ul style="list-style-type: none"> - Experimental - Causal Cohort - Grounded theory 	<ul style="list-style-type: none"> - Phenomenology - Ethnography 	<ul style="list-style-type: none"> - Action Research - Critical hermeneutics - Participant observation
Result	<ul style="list-style-type: none"> - Generalise from sample to population. - Explanation. - Prediction (Cause/Effect) 	<ul style="list-style-type: none"> - In-depth description and understanding of problem. - Generalisation is not always possible. - More than one conclusion can be reached. - Social reconstruction. 	<ul style="list-style-type: none"> - Critique and transformation of social structures - Social reconstruction. - Solve practical problems in a community. - Shifting balance of power in favour of poor/marginalised groups. - Emancipation

Table 3.1: Overview of research paradigms developed based on Makombe (2017)

facilitate deep understandings of experience, insights into perceptions, and interpretations of experiences of emotion work.

My research is qualitative in nature as I focus on experiences of my participants. So, I chose to follow a path that enables me to make sense of the data inductively (Neuman, 2011). I obtained rich and varied data from my participants as they recounted their experiences. In this way, I gained insights into their personal perceptions, interpretations, and subjective experiences of display rule conflict, which were temporal and contextual (Neuman, 2011; Hudson & Ozanne, 1988). As Shaw (2010) argues, how people interact with their world, how they perceive their realities in a specific context, and how they interpret those realities are bound by time and place. An interpretivist research paradigm facilitates harvesting of such data. I aimed to explore perceptions and experiences of display rule conflict which I felt would be best served by utilising a research paradigm of interpretivism.

Interpretivists accept that they cannot develop a fixed research design because of the complex and unpredictable nature of perceived realities (Hudson & Ozanne, 1988). It is in this way that interpretivists generate new knowledge throughout their study. Knowledge produced from such an approach is considered and perceived as socially constructed (Berger & Luckman, 1971). Research employing an interpretive research paradigm can be approached in different ways. Among these are: symbolic interactionism, phenomenology, and hermeneutics (Gray, 2014). I utilised a hermeneutic phenomenological approach because it is concerned with human experiences.

As stated by several authors, the researcher's philosophical stance is contingent upon the nature and objectives of the research (Saunders, Lewis & Thornhill, 2009; Shepard, Jensen, Schmoll, Hack & Gwyer, 1993). Having clearly defined research objectives will determine the most appropriate research methodology to be utilised (Saunders, Lewis & Thornhill, 2009). Therefore, to address the research objectives and questions stated in Chapter 1, I chose to collect qualitative data, which involves more in-depth and insightful exploration with a limited number of interviewees. I followed an

interpretivist paradigm which fortified my choice of research method. I now move to discuss reflectivity and reflexivity as an interpretivist researcher.

3.2 Reflectivity and reflexivity

I was conscious to ensure that I was being both reflective and reflexive in my study. I refer to reflectivity as the ways in which one's own background, perceptions, and interests might influence the data, or the psychological knowledge produced in a study. Reflexivity is referred to as an explicit evaluation of the self as it involves reflecting one's thinking back to oneself (Langdridge, 2007; Ruby, 1980). I will discuss how I utilised both reflective and reflexive practices in my research.

3.2.1 Reflectivity

In being reflective, I embraced Schön's (1983) notion of reflection-on-action. This notion describes the process of stepping back after each piece of work, project, or experience, and reflecting on what we have learned from it. This approach resonated with my natural reflective style as it enables me to understand and learn from experiences. I adopted Gibbs' (1988) model of reflective practice as depicted in Figure 3.1. This 6-staged structured approach to reflection is useful for me as I made sense of, and understood, my role in my experiences. Gibbs' (1988) model led me to ask questions in a manner that helped me to focus my reflections and contemplate the experience or incident. I engaged with this model of reflection after key experiences in my research including interviews and data analysis.

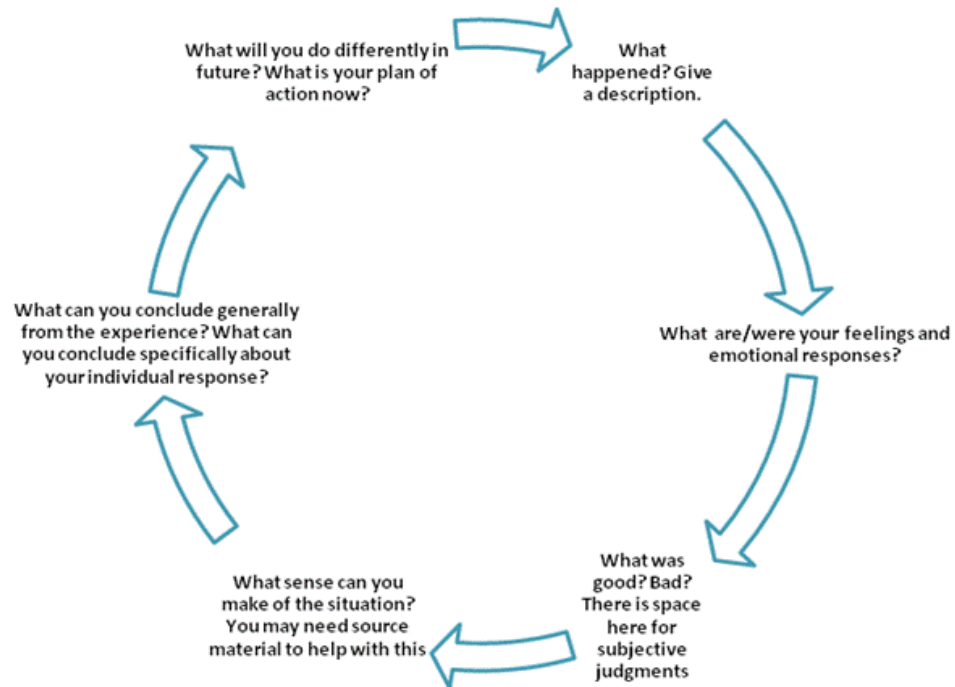


Figure 3.1: Gibbs' (1988) Model of Reflection

3.2.2 Reflexivity

I also engaged with reflexive practice to consider how I created discussions around display rule conflict to participants in interviews, how I selected participants to be interviewed, what I might have omitted, and whether I used words with positive or negative connotations (Good, Herrera, Delveccio-Good & Cooper, 1985). The workings of reflexivity are accessed via observation and reflection, and through interaction with colleagues (Bridges, 2014). I support the view that we observe in action before we reflect and evaluate our action (Attia & Edge, 2017). I acknowledge that a threat to the trustworthiness of this qualitative study lies in the closeness of the relationship between my participants and me (Krefting, 1991). It was important for me to be reflexive as I am carrying out an interpretive hermeneutic phenomenological study. Hermeneutics places emphasis on the horizontal nature of understanding where the preunderstandings of the researcher are a central feature (Walsh, 2003).

There are several methods of reflexivity which I utilised in my study. I was personally reflexive in that I was open about my assumptions, expectations, and reactions towards display rule conflict and I was cognisant about how such responses would influence my research. I was interpersonally reflexive as I acknowledged and confronted the implicit dynamics between me and my participants. I was also contextually reflexive as a cultural analysis of the phenomenon studied and a local analysis of the research itself. Hermeneutics entails progressive reflection on the researcher's perspective regarding the phenomenon studied. In my study, my reflexivity added value to my interpretations of the data as well as the themes that have emerged from the data. I outline the types of factors I considered in relation to the various methods of reflexivity in Table 3.2. Such reflexive actions were carried out during discussions with research associates.

Methods of Reflexivity		
Personal	Interpersonal	Contextual
-reflexive about my own experiences as a family law practitioner	-reflexive about previous working relationships with participants as we all worked in the South Yorkshire area	-reflexive about interviewing participants about display rule conflict in a location in which the conflict may have occurred
-reflexive about my experiences with complying with variety of display rules	-reflexive about my role as researcher interviewing participants in an area of work with which I was familiar	-reflexive about interviewing participants with varying levels of experience about display rule conflict

Table 3.2: My methods of reflexivity (adapted from Walsh, 2003)

In this chapter, I discussed my research philosophy in relation to my epistemological, ontological, axiological and emic perspectives. I demonstrated how such perspectives supported my choice of research paradigm of interpretivism. Finally, I outlined addressed reflexivity in this research. In the next chapter, I discuss my choice of Gadamerian hermeneutic phenomenology and research methodology.

Chapter 4: Research Methodology

This chapter, which is split into three sections, will outline my chosen research methodology. In the first section, I address how my choice of Gadamerian hermeneutic phenomenology, as my methodological approach, is appropriate given my philosophical choices outlined in Chapter 3. In the second section, I discuss my research design that comprised a research method of data collection focussing on semi-structured interviews as my research tool. Also included in my research design section are my ethical considerations, sample selection process, data collection, trustworthiness, rigor, validity of my study and analysis of data. In the final section of this chapter, I provide an overview of my participants.

4.1 Methodological approach

In this section I discuss my methodological approach in my study. I begin with explaining my methodological approach of phenomenology by examining the philosophies of descriptive phenomenology (Husserl) and interpretive phenomenology (Heidegger) and trace how various philosophers adapted these concepts. I also discuss my choice of the methodological approach of Gadamerian hermeneutic phenomenology and its appropriateness in relation to my research design. Then, I outline how I dealt with ethics in my study followed by a discussion regarding validity and trustworthiness. Next, I address the role of the researcher before focusing on my research method. Within this section, I discuss my pilot study, sample selection and interview processes. Next, I turn to explain data analysis and my approach of both inductive thematic analysis and qualitative hermeneutic phenomenology. I conclude this section by addressing methodological opportunities identified in my study.

Research that aims to understand the nature of the phenomenon of display rule conflict as experienced and interpreted by family law practitioners lends itself to hermeneutic phenomenological research. In a hermeneutic phenomenological methodology focus is on rich description of some aspects of experience, described through language. As Shepard et al. (1993) argue, the research methodology adopted in a study is contingent upon the research questions (as stated in Chapter 1, section 1.5) and the philosophical

perspectives from which the research questions are to be explored. My methodological approach in this study is Gadamerian hermeneutic phenomenology. I align with Langdrige (2007) and von Eckartsberg (1998) who define phenomenology as a lived experience which concentrates on people's perceptions of the world in which they live and what it means to them. Next, I discuss my phenomenological methodological approach.

4.1.1 Phenomenological methodological approach

Phenomenology can be a theoretical viewpoint that seeks to promote the experiences which determines our human reaction and behaviour to a phenomenon (Cohen, Mannion & Morrison, 2007). Phenomenology can be perceived to be a methodology and a research method (Sloan & Bowe, 2014). Brinkmann and Kvale (2008) concur with this notion when they describe phenomenology as both a research method and a methodology. The definition of methodology adopted in this thesis refers to the processes, principles, and procedures by which a researcher approaches and seeks answers to a problem (Langdrige, 2007; Bogdan & Taylor, 1975).

Phenomenology is a qualitative methodological approach that focuses on harvesting qualitative data relating to experiences. Such experiences represent the experiential lifeworld of human beings and their in-depth descriptions of those experiences (Patton, 1990). Additionally, a qualitative methodology concentrates on peoples' perceptions of the world or the perception of the "things in their appearing" (Langdrige, 2007, p.11). This study uses this approach as I sought to uncover the lived experiences of family law practitioners as they comply with multiple display rules in their work. In contrast to quantitative methodologies (Gunzenhauser & Gerstl-Pepin, 2006), a qualitative methodology seeks to depict a world where reality is socially constructed and ever changing (Glesne, 1999) and, therefore, descriptive. When utilising this methodology, one follows a set of tasks that requires one to collect data, analyses them and report on findings (Sloan & Bowe, 2014). There are two main approaches to phenomenology which are descriptive and interpretive. These are now discussed.

4.1.2 Descriptive phenomenology

Descriptive or transcendental phenomenology represents a move away from a cartesian dualism of reality. According to cartesian dualism, reality of something is 'out there' or separate from the individual (Koch, 1995; Jones, 1975). Transcendental phenomenology promotes the concept that mind and objects both occur within experience, thus eliminating the mind-body dualism (Laverty, 2003). However, Husserl felt that the researcher needs to separate his/her experiences from experiences of the researched to provide an accurate description of such experiences (Heidegger, 2008). As such, descriptive phenomenology involves the practice of phenomenological reduction or bracketing (Klein & Westcott, 1994; Osborne, 1994; Polkinghorne, 1983; Jones, 1975). Bracketing refers to a method used in qualitative research to alleviate the potentially detrimental effects of preconceptions that may taint the research process (Tufford & Newman, 2012). The consensus is that, by adopting such a methodological practice, researchers can avoid individual biases as they conduct their research (Polkinghorne, 1983). Next, I discuss interpretive phenomenology.

4.1.3 Interpretive phenomenology

Interpretive phenomenology is a move away from the Husserlian concept. Heidegger (2008), Husserl's former student, rejected the idea of bracketing which is necessary to conduct a research that utilises descriptive phenomenology as a methodological approach. Heidegger opted for interpretive phenomenology because he felt that one cannot bracket one's experiences to understand a similar experience (Heidegger, 2008). Heidegger (2008) proposes that our background, which includes our cultural influences, helps us to understand the world and ultimately determines what is real. Thus, pre-understanding is not something a researcher can put to one side. In other words, meaning is found from constructions in the world derived from our own background and experiences (Laverty, 2003). Heidegger (2008) sought to understand a phenomenon based on past experiences. He argues that prior experiences should be acknowledged by the researcher and considered throughout the stages of research including data gathering, analysis and

dissemination (Heidegger, 2008). Seeking to understand a phenomenon can be termed interpretive or hermeneutic phenomenology (Langdridge, 2007; Lavery, 2003) or existential phenomenology (Spinelli, 2005). Next, I address hermeneutic phenomenology.

4.1.4 Hermeneutic phenomenology

Hermeneutic phenomenology allows one to gain rich accounts and insights of experiences, interpretations, and perceptions from research participants. With such a methodological approach, research focuses on the way people exist in the world (van Maanen, 1997). In my study, hermeneutic phenomenology enables me to focus on the reciprocal understanding between my participants and me, the researcher (Dowling, 2007). In other words, it foregrounds meanings and understandings (van Maanen, 1997). I am not required to bracket my pre-understandings and prejudices (Heidegger, 2008). Hermeneutic phenomenology focuses on the lifeworld or human experience as it is lived, and the goal is to create meaning and achieve a sense of understanding (Wilson & Hutchinson, 1991).

My methodological approach, informed by Heidegger's hermeneutic phenomenology, focuses on the duality of the 'Daesein' which is the mode of being human and the situated meaning of a human in the world (Lavery, 2003). As Shaw (2010) argues, our experiences as social beings should be understood within the context in which they happen. That is, the ways in which we make sense of our experiences and ourselves are bound by time and place. Historicity or presuppositions of understanding facilitates interpretation (Heidegger, 2008). My emic perspective (outlined in Chapter 3, section 3.1.4) acknowledges my historicity and extensive experience of being a family law practitioner which will facilitate my interpretation of experiences that my research participants will relay to me.

A hermeneutic phenomenological approach involves examination of the participant's social world. With such a methodological approach, a researcher explores and tries to understand participants' perceptions of an event (Smith & Osborn, 2007). The researcher attempts to understand participants' experiences grounded in their social reality. Paying attention to, and reflecting

on, language reveals both spoken and unspoken meanings (Ho, Chiang & Leung, 2017). Hermeneutic phenomenologists primarily draw meaning from transcribed interviews (Ho et al., 2017). The acceptance of language having multiple interpretations enables researchers to consider the meaning of lived experience for participants. It is essential for researchers who use a hermeneutic phenomenological approach to dwell in the language of the participants (Heidegger, 2008). Hermeneutic phenomenology enhanced the interpretive element to elucidate meanings, perceptions, and assumptions in my participants' interviews that they themselves may have had difficulty in articulating (Crotty, 1998). As such, hermeneutics presented a way of understanding and interpreting human experiences captured through language and in context (van Maanen, 1997). Philosophers, predominantly in the second half of the twentieth century, continued to develop and refine methodological approaches involving phenomenology. Among them were Maurice Merleau-Ponty, Jean-Paul Sartre, Ademeo Giorgi, Hans-Georg Gadamer and Max van Maanen (Langdridge, 2007). I adopted Gadamerian hermeneutic phenomenology as my methodological approach for my study which is now outlined.

4.1.5 Gadamerian hermeneutic phenomenology

Gadamer (2004) builds on the works of Husserl and Heidegger as he explored phenomenology. He saw hermeneutics as a means by which language could be understood. As such, Gadamer (2004) adopted the philosophical stances that all understanding is phenomenological and that understanding can only come about through language (Sloan & Bowe, 2014). Thus, he drew upon the familiar experience of a conversation (Mootz, 1999). As Mootz (1999) argues, all understanding occurs during the give-and-take experiences of the interpreter within a given historical and social situation. Furthermore, prejudices generated from history and culture can influence people and our openness to the world is biased and thus we can never entirely hold a critical distance and objectivity (Gadamer, 2004). For Gadamer (2004), the past has a truly pervasive power in the phenomenon of understanding.

Gadamerian hermeneutic phenomenology focuses on understanding a phenomenon that is rooted in experience and expressed through language. According to Gadamer (2004), we are all part of history and as such it is not possible to look at the past objectively. He argued that understanding is possible in conjunction with one's preunderstandings. If one does not apply one's preunderstandings, there is a risk that one may fail to understand. In other words, bracketing or phenomenological reduction is not an option since our understandings are based on our experiences gained throughout history and all understanding will involve an element of prejudice (Gadamer, 2004; Lavery, 2003). Once again, my emic approach to my research supports such a methodological perspective as I embrace my experience of being a family law practitioner. Given that understanding is a historical and linguistic event that is achieved through fusion of horizons, one can achieve a holistic view from a vantage point (Gadamer, 2004). Fusions of horizons rest in a researcher's interpretive dialogue between the text and the researcher (Hekman, 1986).

The family law practitioners in my study were seeking meaning and understanding through shared experiences and discussions. During their practice they would have engaged in informal social discussions involving their individual experiences and stories. It may be through these informal social discussions that they gained an understanding of the phenomenon of display rule conflict. Family law practitioners might also have been influenced by prejudices generated from their history and legal culture following a rigorous socialisation process. As such, I argue that Gadamerian hermeneutic phenomenology is an appropriate methodological approach to understand display rule conflict among family law practitioners. I proceed to discuss my positionality in this study to further justify my choice of methodological approach. I now move to the second section of this chapter to discuss my research design.

4.2 Research design

In this section, I discuss my research design. The purpose of a research design is to ensure that the evidence obtained enables the research to address

comprehensively the research problem sensibly and as unambiguously as possible (De Vaus, 2001). I considered the type of data that I thought was relevant to address my research problem; whether I wanted to test a theory or to arrive at theory regarding the phenomenon of emotion work among family law practitioners (Gorard, 2013). I adopted an exploratory research design as I wanted to gain insights into the display rule conflict concept as well as explore how the family law practitioners in my study dealt with this conflict.

Exploratory studies have smaller sample sizes and, as such, generalisations are not possible. However, such a research design enabled me to establish an understanding of how to study display rule conflict (Streb, 2010). The dearth of literature on display rule conflict, led me to believe that an exploratory design would cultivate an understanding of the concept and contribute to knowledge in this area to the literature (Cuthill, 2002). I concluded that such a research design which utilises a methodological approach of Gadamerian hermeneutic phenomenology would enable me to obtain rich and in-depth data to address my research questions. Findings from such studies do not lead to definitive conclusions. However, they provide insights and tentative results (Taylor, Catalano & Walker, 2002). I did not aim to make generalisations or reach definitive conclusions about the display rule conflict concept. The concept is in its infancy, and as such my aim was to provide an opportunity to develop and define the concept within the context of family law practitioners as well as to establish research priorities in this area for further development (Streb, 2010).

I begin this section on my research design with the ethical considerations I observed. I then proceed to discuss the validity and trustworthiness of my study followed by researcher bias. I discuss how I conducted my pilot study and the adjustments I made for the actual research. A description of my adjusted research method leads to my sample selection process, research participants, and the interview process. I then discuss how I analysed my data. I end this section with a discussion of methodological opportunities. I will now address how I approached ethics in my research.

4.2.1 Ethics

I followed the guidelines of ethical research as stipulated by Sheffield Hallam University. I have studied the ethics modules under EPIGEUM online courses. In carrying out my research I incorporated the ethical principles of doing no harm, informed consent, confidentiality and anonymity of participants and their data (Cohen et al., 2007). I applied for, and obtained, ethical approval from Sheffield Hallam University (Appendix 3 and Appendix 4). I confirmed to my participants in the letter of invitation (Appendix 5) that their participation in my study was voluntary. Further, I assured them of their rights to anonymity, confidentiality and to withdraw from the study at any point without repercussions. In my letter of invitation, I explained my rationale for conducting the research, provided an approximate timeline for the research and confirmed the approximate duration of each interview. Given that informed consent is an integral part of ethics in any research (Sanjari, Bahramnezhad, Fomani, Shoghi & Cheraghi, 2014), I invited participants to sign a consent form (Appendix 6) which included my assurances of confidentiality and anonymity.

At the start of each interview I assured my participants of their rights to confidentiality and anonymity. To assure confidentiality and anonymity, I invited each participant to choose a pseudonym, but they deferred to me to choose for them. I further informed participants that I would use excerpts from their interview transcripts as I reported and discussed my findings in my thesis which would be viewed by my supervisors, examiners and any other interested persons. I took several steps to ensure the confidentiality of my data. I regularly backed up my data by using Sheffield Hallam University's recommended Research Store (Q drive). Additionally, I backed-up my data using an encrypted external hard drive. I took steps to store recordings, transcripts and the external hard drive in a locked, fireproof drawer when they were not in use. I ensured the data was encrypted when I sent it to any external auditors to ensure that only they could access the data securely.

I was aware that the relationship between me, the researcher, and my participants could result in a range of different ethical concerns. Among these concerns are privacy, establishment of honest and open interactions, power

imbalance and misrepresentations (Warusznski, 2002). Prior to the start of the interviews, I put my participants at ease and created a comfortable atmosphere as we interacted during the interviews. I started each interview by introducing myself and my role. I then created some small talk to break the ice by asking questions such as 'how was your day?'. I was mindful of my body language as I tried to ensure that I was open and friendly. As I was interviewing professionals, I ensured that I was dressed in a professional manner as I felt that this would set the tone for the interview. I established rapport with my participants to form a research relationship that could facilitate trust between each of them and me so that they could be as candid as possible during the interviews (Dickinson-Swift, James, Kippen & Liamputtong, 2007; Liamputtong & Ezzy, 2005; Goodwin, Pope, Mort & Smith, 2003). Furthermore, to protect the anonymity of my participants (Sanjari et al., 2014), and avoid emotional distress, I refrained from being intrusive or personal. I believe that I was successful in creating good research relationships as my participants appeared relaxed and interested. I now address the validity and trustworthiness in my study.

4.2.2 Validity/trustworthiness

Establishing validity in a qualitative study is important because of the multiple interpretation of data. The validity of a qualitative research determines the extent to which the findings are true and certain (Guion, Diehl & McDonald, 2011). The findings should reflect the phenomenon under study and be supported by evidence. Validity in qualitative research is often challenged by positivists who collect quantitative data. As a qualitative researcher, I considered four factors of trustworthiness in this study. These factors are credibility, transferability, dependability, and confirmability (Guba, 1990) and they are appropriate for a methodological approach of hermeneutic phenomenology that is informed by Gadamerian philosophy (Fleming, Gaidys & Robb, 2003). I will address each factor in turn starting with credibility.

4.2.2.1 Credibility

Credibility refers to the extent to which findings are aligned with participants' reality (Guba & Lincoln, 2005). I established credibility through member

checking whereby I transcribed the audio recordings verbatim and had the participants verify the transcriptions (Guba & Lincoln, 2005; Creswell & Miller, 2000; Merriam, 1998). I proceeded to triangulate the data by using family law practitioners with varying levels of experiences including paralegals, solicitors and partners (Guion et al., 2011; Shenton, 2004; Thurmond, 2001). These differences in perspectives provided a richer picture of display rule conflict. Also, I summarised my understanding and interpretation of each participant's interview during, and at the end of, the interviews. Throughout the interviews I defined terms to ensure that the participants and I had a common understanding of concepts and meanings. This exercise enabled me to validate my understanding and interpretations of the accounts with the participants present.

I established credibility further by ensuring that the participants' responses were reliable and candid (Shenton, 2004). I reassured participants that they had the right to withdraw from the study at any point and I made sure that they were aware that participation was voluntary. Each participant agreed that I could audio-record and transcribe the interviews. The participants chose the location for their interview. I noted from my pilot study that location could affect the extent to which the participant felt at ease and comfortable, so I did not place restrictions on the locations for the interviews (Bolderston, 2012). I believe that these settings enabled the participants to speak freely, openly and honestly with me. I made every effort to ensure that the answers provided by the participants were honest and accurate as I formally requested that they answered the questions as such. I asked for further information or clarification from participants when they used phrases such as "you know what I mean" to ensure that I was not superimposing my perceptions or biases onto their accounts.

4.2.2.2 Transferability

I took steps to ensure the transferability of my research. Transferability refers to the extent to which the findings of a qualitative study can be found in other situations and groups (Shenton, 2004). Qualitative researchers argue that the findings of their studies apply to a small number of participants in a specific

context. It is difficult to argue or demonstrate that the findings in a qualitative study would be applicable to other situations and groups (Shenton, 2004). To demonstrate some level of transferability qualitative researchers generally use thick descriptions to explain the specific context and conditions of their study (Lincoln & Guba, 1985). In my study I used thick descriptions of display rule conflict to specify the context and conditions. I am unable to confirm that the findings of my study would be applicable to other situations and groups because of the unique professional and legal context within which I conducted my research. Based on the dearth of published studies conducted on this phenomenon it would be difficult to identify similar studies to claim transferability. Perhaps I could do so through my research method. More importantly, I would be contributing to literature in this field of study which could inform other researchers.

4.2.2.3 Dependability

Another way in which I tried to establish the trustworthiness of my study was by ensuring its dependability. There is a close link between credibility and dependability in that credibility ensures dependability (Lincoln & Guba, 1985). Dependability refers to whether the same results in a qualitative study would be reproduced in another study with the same context, methods, design and participants. Dependability can be established by a variety of ways including using an audit trail or peer evaluation. I conducted an audit trail. An audit trail involves scrutiny of the inquiry process to validate the data, so that a researcher can account for all research decisions and activities to show how the data were collected, recorded and analysed (Bowen, 2009). In conducting an audit trail, I kept documents such as raw data, interview transcripts, and analysis for crosschecking in the inquiry process (Guba & Lincoln, 2005). The audit trail can also establish confirmability of the study (Tobin & Begley, 2004).

I also conducted peer examination which is like the member checks strategy utilised to improve the credibility of the inquiry (Krefting, 1991). During peer examination I discussed my research process and findings with neutral colleagues, and doctoral students, who had experience of doing qualitative research. Such peer examination helped me to identify areas not covered by

my research questions and engage in deeper reflexive analysis (Bitsch, 2005). These two methods of establishing dependability means that I have taken steps to ensure that my research design is rigorous and accurate, so that if it is utilised in another research then similar results could be obtained.

4.2.2.4 Confirmability

The concept of confirmability is based on the objectivity of a study. Achieving objectivity is unrealistic in qualitative research because human beings have a key role in the research design and each of them have different understandings (Patton, 1990). It is noted that the beliefs and perceptions of researchers should be acknowledged and justifications for choices made should be clear (Patton, 1990). I made every effort to state my beliefs and biases in this research. As a previous family law practitioner, I aimed to gain insight into, and deeper understanding of, the influence of display rule conflict on family law practitioners. I was also interested in exploring ways in which the family law practitioner deals with such conflict. I acknowledge that I had my own beliefs and perceptions of the concept of display rule conflict. I recognise that I have my own opinions and views of the influence display rule conflict may have played in my role as a family law practitioner.

I also utilised external auditing (Lewis, 2009; Anfara, Brown & Mangione, 2002; Creswell & Miller, 2000) to establish confirmability. External auditing involves utilising the services of a researcher outside the research process to scrutinise both the process and product of the study. The aim of this exercise is to assess the accuracy and determine whether the findings, interpretations and inferences are supported by the data (Schwandt, 2007). I participated in external auditing by asking a researcher independent to my research to examine the processes and results of my study. The external research looked at various excerpts of transcriptions from each participant to evaluate the accuracy and evaluate whether my finding and interpretations are supported by the data.

I acknowledge the critical views of carrying out member checks in qualitative research and note the criticisms of doing so in phenomenological studies. In some studies researchers have argued that member checking assumes there

is a fixed truth of reality that can be accounted for by a researcher and confirmed by a respondent (Angen, 2000; Morse, 1994). Further criticisms of member checking include the notions that it may lead to confusion if participants change their minds about an issue; participants may disagree with the researcher's interpretations of their accounts; the participant and researcher may have conflicting ways of understanding interpretations; participants may regret their accounts of experiences and want them removed from the data; participants may forget what they said in interview; and participants may only carry out member checks to please the researcher (McConnell-Henry, Chapman & Francis, 2011; Sandelowski, 1994). However, I did not utilise or suggest my participants engage with member checks to reach a fixed truth of reality or to agree with my interpretations of their accounts of experience of display rule conflict. I now turn to address researcher bias.

4.2.3 Role of researcher

My experiences of inter and intra display rule conflict motivated me to conduct this research. As a former family law practitioner who experienced emotion work, I was aware that aspects of my research can reflect researcher bias. However, I took every step through reflexivity and critical self-reflection to avoid the pitfalls of such biases. I proceed here to discuss and address my reflexive approach to my research.

Researcher bias in qualitative research can threaten its trustworthiness and rigour. To avoid such a situation, qualitative researchers should: be familiar with the field of study, practise reflexivity during the research, engage in triangulation and peer evaluation (Poggenpoel & Myburgh, 2003), and be mindful that their research instruments do not reflect their biases. The researcher's role can raise concerns of bias (Mehra, 2002). Poggenpoel and Myburgh (2003) have identified many latent reasons that can lead to researcher bias. Among these are: the researcher's partiality of pre-determined notions of the topic; the insufficient preparedness of the researcher to conduct such a research; and inappropriate interviews conducted by the researcher.

Other factors that could influence researcher bias are the degree of affinity researchers have with the population under study, and whether the researcher is a member of the group involved (Mehra, 2002). Critics would argue that “insider” investigators, or those with an emic perspective, may hinder their investigation of a phenomenon by narrowing their focus on only what they think they do not know, rather than widening their lens to encompass a wider spectrum of the phenomenon under study (Chenail, 2011). Researcher bias can also result from selective observation or selective recording of information by the researcher (Johnson, 1997). A common procedure for verifying the quality of an interview and for identifying potential researcher biases is by conducting a pilot study. Such a study enables the researcher to test the intended research design for feasibility and ease of execution during the research process (Chenail, 2011). I conducted a pilot study to test my research instrument (Baker, 1994). Next, I present my research method.

4.2.4 Research method

I chose a research method that utilises semi-structured interviews as my data collection instrument. A methodological approach of Gadamerian hermeneutic phenomenology warrants the use of tools such as semi-structured interviews to obtain evidence that help researchers to understand participant’s accounts of their experiences (Cresswell, 2007). Such a methodological tool also has the potential to reflect the philosophical underpinnings of an interpretivist research paradigm, social constructivist epistemology, and a realist ontological stance. Semi-structured interviews are flexible compared to structured interviews. As a research tool, semi-structured interviews enabled my participants and me to engage in discussions. In this way, I clarified and modified any ambiguities that arose during the interviews with my participants.

The semi-structured interviews also enabled me to ask further questions regarding interesting and important comments that arose (Smith & Osborn, 2007). Such questions guided the interview process during the data collection exercise. By engaging in semi-structured interviews, my participants shared experiences that led to greater flexibility of coverage. In this way, I harvested richer data. However, semi-structured interviews are not without their

limitations. In my study, I did not have full control of the interview process and these interviews were more time consuming (Smith & Osborn, 2007).

As a researcher carrying out a hermeneutic phenomenological study, my aim was not to control or direct the participants' responses. My aim was to guide my participants to share experiences of the use of display rules and emotion work in their daily activities to produce richer data. As the research instrument in my study, the semi-structured interview questions comprised a mixture of ten demographic type questions and eleven questions regarding emotion work skills utilised in the workplace (Appendix 7). I designed the semi-structured interview questions to elicit the participant's ideas and opinions on using display rules at work. In line with my research objectives, I wanted to evaluate both the existence of perceptions of display rule conflict and experiences of such conflict. I did not wish to lead participants towards discussions based on my preconceived notions. Semi-structured interviews enabled me to ask follow-up questions to get in-depth data on topics of interest. My theoretical framework which comprised theories of professional identity and communities of coping, guided me as I formulated my interview questions. In this way, my participants' responses to the interview questions were relevant to address my research questions, aims and objectives in this study. Table 4.1 illustrates how my interview questions aligned with my theories. One can see from the table how each theory contributed to address the research question, its aims, objectives and semi-structured interview questions.

The professional identity of an employee may influence which display rule he or she prioritises to utilise (Stryker & Burke, 2000). By extension, the way a participant chooses to interact with the various display rules could influence their perception of display rule conflict (Stryker, 1987). As such, I developed semi-structured interview questions to focus a discussion surrounding professional identity as I wanted to gain an understanding of the dynamics of identity and display rules for my participants. Here, the participants' identity encompasses both their roles as family law practitioners as well as members of the family law community. Both forms of identity contribute to the professional identity of the participant at an organisational level (Burke & Stets, 2009).

Factors influenced by theories	Professional Identity Theory	Communities of Coping Theory
Research Questions	What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders?	How do family law practitioners deal and cope with display rule conflict in the workplace?
Aim	The aim of my study is to explore the experiences of display rule conflict of family law practitioners at work.	To understand how they deal and cope with any perceived display rule conflict.
Objectives of study	1. Understand experiences of display rule conflict among family law practitioners	2. Explore the ways in which family law practitioners deal with display rule conflict. 3. Evaluate the influence of display rule conflict on family law practitioners.
Example semi-structured question	Can you think of a time when you may have had to act differently with different people at work?	How do you feel about having to perform the variety of emotion management skills for people?
Purpose of semi-structured question	To focus thinking and acknowledge the requirement to interact with different stakeholders.	To focus thinking on dealing and managing the need to perform a variety of emotion skills.

Table 4.1: Depiction of how theories which underpinned my study shaped research questions, aims and objectives

The other set of semi-structured interview questions arose from the theory of communities of practice. I generated these questions to elicit a discussion that

relates to how the participants address and cope with display rule conflict where such conflict exists. The communities of coping theory relates to how an individual may cope and make sense of perceived conflict at work, thus contributing to coping mechanisms at an individual level (Korczynski, 2003). The participants may have acquired various tools and techniques for handling display rule conflict which may influence how they choose to interact with different display rules. This could further inform how the participants manage display rule conflict at work (Korczynski, 2003). To ensure that the questions I designed would elicit focussed responses, I carried out a pilot study to trial the questions (van Teijlingen & Hundley, 2001), which I will discuss next.

4.2.5 Pilot study

I conducted a pilot study to test the feasibility of my research. By conducting the pilot study, I was able to: test my research instruments, identify ethical issues, and ensure the rigour and trustworthiness of my study (van Teijlingen & Hundley, 2001; De Vaus, 1993). My pilot study helped me address instrumentation and bias issues by providing the opportunity to test my research questions for relevance and appropriateness, ask pilot participants for feedback on their experience of the interview, test the length of the interview, and modify difficult or ambiguous questions (van Teijlingen & Hundley, 2001).

I carried out my pilot study in June 2016 whereby I interviewed one male and one female participant. I selected my participants purposively as they were experienced family law practitioners. I chose participants from different sexes to obtain feedback from the perspective of each sex. I would like to point out that there are fewer male family law practitioners within the profession. Accordingly, the participants in the pilot study were childcare solicitors. I conducted face to face interviews with both participants at their place of work. At the start of the interview I handed them a consent form and participant information form. I reiterated their right to confidentiality and anonymity and both participants asked that I give them a pseudonym to use in my pilot study. The interview with the male participant lasted for 51 minutes and 50 seconds

whereas the interview with the female participant was 1 hour and 9 minutes long.

I found that two of my interview questions were vague in that both participants sought clarification before answering them. However, once clarified, both participants commented that the questions were clear and easy to answer. Both participants indicated that they did not feel any emotional distress discussing their use of emotions skills at work and felt at ease in discussing their emotional experiences with me. Feedback from my participants led me to, not only revise my research questions, but to conclude that my interview questions were appropriate and would elicit responses related to my study. The pilot study also confirmed that the duration for the interviews was appropriate since both participants noted that they had adequate time to consider their responses and to engage in the interview. I now turn to discuss my sample selection process.

4.2.6 Sample selection process

I wanted to obtain a deep understanding of participants' personal experiences and accounts of display rule conflict as family law practitioners. In selecting my sample of participants, I did not engage in non-probability sampling which would produce a statistically representative sample or draw statistical inference from a population of participants (Wilmott, 2009). I wanted to understand experiences of the use of various display rules among family law practitioners rather than make generalisations from a random sample of participants (Smith & Osborn, 2007; Lester, 1999). I utilised a purposive sampling approach technique often employed in qualitative studies (Wilmott, 2009; Teddlie & Yu, 2007). By engaging in purposive sampling, I ensured that my selection criteria included participants who were qualified to provide data necessary to address my research questions and objectives rather than to represent a cross section of the population of lawyers. I chose participants who I considered could provide accounts of experience of using multiple display rules at work. I focused on participants who represented varying levels of experience of a family law practitioner firm including paralegals, qualified solicitors, and partners.

I solicited the help of family law practitioner contacts to suggest candidates for my sample of participants. I targeted legal practitioners who worked alongside a variety of stakeholders including clients, other legal professionals, judges and management within the firm. The family law practitioners whom I approached have worked in the Sheffield, Rotherham, Barnsley and Doncaster, areas in South Yorkshire, United Kingdom. I chose to approach both male and female practitioners because they would have all received similar training in law school and on the job. I did not restrict the length of employment. However, I included participants who left the practice of family law within the last twelve months at the time of interview because such participants would have invaluable experience to contribute to my study and provide insights into the phenomenon of display rule conflict.

My methodological approach of Gadamerian hermeneutic phenomenology afforded me the choice of a small sample size. Given that a phenomenon under study can appear only once to be of value (Wilmott, 2009), purposive sampling justified my small sample size. Further, in Gadamerian hermeneutic phenomenological studies the number of participants is irrelevant and is not a valid assurance of rigour (Jardine, 1992). In my study, analysis of data produced by large numbers of in-depth interviews would have been unmanageable and would have hindered a comprehensive analysis. A larger sample size might also mislead readers to think that the results could be interpreted as statistically reliable (Lester, 1999). I align with Smith and Osborn (2007) to argue that there was no ideal sample size for my study. However, as I am a novice researcher carrying out phenomenological research, a sample size of as little as three would be appropriate. Creswell (2007) recommends that a sample size of about ten participants is ideal for such a methodological approach. The rationale is that it is important to describe the meaning of the phenomenon for a small number of individuals who have experienced the phenomenon (Creswell, 2007). Morse (1994) recommends at least six participants as a good sample size. Then again, Burns and Grove (2009) maintain that, in a hermeneutic phenomenological study, ten to twenty-five participants are an acceptable sample size. I chose ten participants for my study as summarised in Table 4.2 below.

Interview Order	Participant	Gender	Years qualified	Job title	Age range	Ethnicity
1	Charles	Male	20 years	Partner	40-49	White British
2	Emily	Female	11 years	Paralegal (no longer in practice)	40-49	White British
3	Judy	Female	19 years	Paralegal (now a Mackenzie friend)	40-49	White British
4	Madeline	Female	15 years	Partner	40-49	White British
5	Jessica	Female	16 years	Paralegal	40-49	White British
6	Matt	Male	3 years	Solicitor	30-39	White British
7	Mary	Female	10 years	Paralegal	40-49	White British
8	Jason	Male	7 years	Solicitor	30-39	White British
9	Ann	Female	3 years	Solicitor (no longer in practice)	30-39	White British
10	Olivia	Female	23 years	Partner	40-49	Other

Table 4.2: Table showing demographic information for the participants

At the start of each interview, I asked demographic type questions of each participant as I wanted to obtain some characteristics of the population I was interviewing. Examples of demographic characteristics include age, race, gender, ethnicity, and job title (Salkind, 2010). I collected only the demographic information that I considered necessary for the specific purposes of my research. I focused on information that was pertinent to describe my participants. I interviewed ten participants which comprised three male and seven female family law practitioners. Of the ten participants, three were partners, three were solicitors and four were paralegals. The length of qualification for the participants ranged from three years to twenty-three years. Furthermore, the participants interviewed were either in their 30s or 40s. Finally, most of the participants considered themselves as White British whereas one participant described herself as 'other'.

These demographic results are representative of the overall demographic picture of solicitors in the UK. According to findings following diversity research carried out by the Solicitors Regulation Authority (SRA) in 2017, women comprise 48% of all lawyers but only 33% at partner level. In relation to the type of work carried out, 52% of lawyers in firms mainly doing private client work, such as family law, are female. Findings also indicated that 58% of lawyers are aged between 25 and 44 years of age. More specifically, non-partner level lawyers are between 25 and 34 (46%) years of age and for partners it is between 45 and 54 (35%) years of age. Finally, the proportion of black, Asian and minority ethnic (BAME) lawyers working in law firms, was one in five lawyers in 2017 (SRA, 2017).

4.2.7 The interview process

Prior to interviews, I distributed letters (Appendix 5) to participants inviting them to participate in an interview lasting for approximately 45 minutes to 1 hour. I proceeded to ask participants to sign a consent form before taking part in the study (Appendix 6). In both my letter of invitation and consent form I assured my participants of their rights to anonymity, confidentiality, and to withdraw from the study at any point without obligation. I provided the research participants with a choice of the mode of interview in the form of face-to-face, SKYPE or telephone depending on their convenience. I further asked participants to choose a location for their interview which could be their law firms or Sheffield Business School.

At the start of each interview, I engaged in some casual conversation with the participant as an icebreaker. I then obtained permission from the participants to audio-record their interviews before switching on the audio-recording device. The participants and I agreed that I would choose a pseudonym for them which I would use to refer to them in my study. I then proceeded to ask the demographic questions followed by some or all the semi-structured interview questions, depending on the responses of the participant. At the end of the interviews, I asked each participant whether they had any questions. Then, I indicated that the interview had ended at which point I switched off the audio-recording device. Once the audio-recording device was switched off the

participants and I engaged in further casual conversation regarding the process of my research.

After each interview, I transcribed the interviews, then summarised them and returned them to the corresponding participant to ensure that I understood and interpreted their responses correctly as a form of member checking. In all cases, my participants were satisfied with my interpretations of their accounts of experiences of display rule conflict. My participants agreed to engage in member checking whereby they checked my transcriptions and interpretation of their interviews. I employed member checking so that the participants could confirm that the transcripts were an accurate account of their interviews (Birt, Scott, Cavers, Campbell & Walter, 2016). It was agreed with my participants that once I had transcribed the interviews, I would send the transcription via a password protected email to their chosen email address for them to peruse and make comments or amendments where appropriate. My participants and I also agreed that if I did not hear from them within 28 days of the email being sent, I would assume the participant did not wish to make any comments or amendments to their transcripts. None of the participants responded to the emails to provide comments or amendments to their interview transcripts.

Of the ten participants, two participants opted to be interviewed in my home and one opted for the interview to be at her home, as she works from home. I interviewed another participant at Sheffield Business School, Sheffield Hallam University. While another two participants opted for telephone interviews while they were at work, the remaining four participants had their interviews at their places of work. I was mindful of risks involved in conducting interviews at my home or attending a participant's home, and so I took precautions to safeguard myself and my participants by conducting these interviews during working hours. I advised my PhD supervisors and a critical friend of these unusual locations for my interviews and the approximate duration of each. I further informed my supervisors and critical friend as soon as I completed these interviews. I now discuss data analysis.

4.2.8 Data analysis

In this section, I will address how I analysed the data I collected using semi-structured interviews. Although, there is no specific way to analyse a phenomenon using hermeneutic phenomenological analysis, a range of analysis includes line-by-line reading and thematic analysis (van Maanen, 2014). I chose to analyse the data by utilising two-stage method of qualitative analysis associated with hermeneutic phenomenology. These are inductive thematic analysis and a qualitative hermeneutic phenomenological research method based on Gadamer's (2004) philosophy. Utilising the two-stage method of analysis led the way for systematic identification of the participants' interpretations and experiences which were then layered with my own understandings, interpretations, and experiences (Ajjawi & Higgs, 2007). Next, I discuss my approach with the interview transcripts.

4.2.8.1 Interview transcripts

I did not use an external transcription service to transcribe the audio recorded interviews because I wanted to engage fully with the data. I gained valuable knowledge following my involvement in the interview process, my expertise in the interview subject, and the advantage of having participated in both verbal and nonverbal exchanges with my participants (Poland, 1995). I chose to transcribe the interviews as intelligent verbatim. That is, I did not transcribe filler words such as words 'um' as they do not tend to add any value or dimension to the data (Sandelowski, 1994). Similarly, I did not transcribe affirmation words such as 'uh-huh' and 'hmmm' made by either myself or the participants as I did not consider them to be pertinent to the interpretation of the data (Stuckey, 2014). Generally, it is critical that any research, approached from the methodological perspective of phenomenology, have a degree of closeness between researchers and the text. Therefore, I found that an intelligent verbatim transcription of the interviews helped me in facilitating data analysis in that it brought me closer to my data (Halcomb & Davidson, 2006). Intelligent verbatim transcripts also helped me to keep an audit trail of data analysis for my supervisors and readers.

I was aware that my transcriptions could be flawed given the various factors that can influence the process. Given that the process of verbatim transcription is time consuming and complex (Fasick, 2001; Wellard & McKenna, 2001) and whether I transcribed the tapes myself or engaged external professionals (MacLean, Meyer & Estable, 2004), there is the possibility of human error, including misinterpretation of content, cultural differences and language errors (MacLean et al., 2004; Easton, McComish & Greenberg, 2000). However, I ensured that I represented the verbatim transcriptions as close as possible to the recorded interviews. After I transcribed the interviews, I read the transcripts while listening again to the audio recordings to correct any spelling or other errors and to ensure that confidential information (e.g., names, places, significant events) was anonymised in the transcripts so that the participants could not be identified from anything that they said (Sutton & Austin, 2015). After I transcribed the interviews, I proceeded to analyse the data using a combination of inductive thematic analysis and qualitative hermeneutic phenomenological analysis. I now discuss these approaches in turn.

4.2.8.2 Inductive thematic analysis

In carrying out a two-stage method of analysis, I chose to conduct a systematic method of thematic data analysis first. I felt it was a reasonable method to enable me to identify themes from my understanding of the data in the first instance. In hermeneutic phenomenological analysis, thematic analysis can be a useful interpretive strategy to identify themes found in transcribed interviews (Van Maanen, 2014; Boyatzis, 1998; Benner, 1985). It is a foundational method for qualitative analysis (Braun & Clarke, 2006) and it would enable me to find and evaluate themes found in data (Braun & Clarke, 2013). Additionally, thematic analysis allowed me to present common meanings embedded in transcribed interviews (Benner, 1985). Thematic analysis is a strategy and a tool that provides a rich, detailed and complex account of the data (Braun & Clarke, 2006). This form of analysis assisted me to interpret the data in a sensible manner (Boyatzis, 1998). While there is no consensual definition of thematic analysis or agreement on how to conduct it, researchers used it widely and accepted it as a method for analysing qualitative data (Boyatzis, 1998). Unlike other forms of data analysis such as

grounded theory, thematic analysis is not linked to pre-existing theoretical frameworks (Braun & Clarke, 2013). I, therefore, identified themes that were strongly linked to the data I collected (Patton, 1990) and thus this process went beyond description which results in interpretation (Van Maanen, 1997).

I utilised a staged approach to conducting thematic analysis of my data. Braun and Clark (2006) identified six stages of the staged thematic analysis process. These six stages include familiarising oneself with the data; generating initial codes; searching for themes; reviewing themes, defining and naming themes; and producing the report (see Figure 4.1). Firstly, I transcribed the ten audio-recorded interviews and sent them to respective participants for verification.

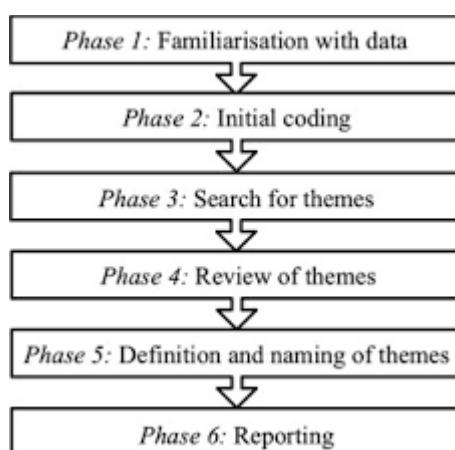


Figure 4.1: Braun and Clark (2006) 6-staged thematic analysis process

I then proceeded to read the transcripts several times to become familiar with the data. Each time I read a transcript I made notes identifying repeated phrases or summarising parts of the text. Secondly, before coding the data, I created three further word documents for each participant containing a three-column table in each document (see Table 4.3). Saldana (2009) argues that the amount of coding methods utilised in a study is contingent upon the nature of the study and the level of codes a researcher deems appropriate to capture the phenomena in their study. I chose to utilise three coding methods namely descriptive, emotion and manual coding because I felt that these codes would

enable themes to emerge from the data. As such, I created three different word documents for each participant. The first column contains line numbers that correspond to the numbered lines of the transcribed text. The second column comprises the transcribed interview text. Finally, the third column has the codes I identified in the corresponding text code. Displaying my analysis in this way enabled me to see clearly the corresponding line number, the transcribed text, and the relevant codes which assisted me when referring to the data.

Analysis of Interview: (descriptive/emotion/manual coding)

(Fe)male:

Line number	Text	descriptive/emotion/manual coding
1		
2		
3		
4		
5		

Table 4.3 template for transcribed interviews

I proceeded with my thematic analysis after I set out this table. I chose to use descriptive coding to find themes relating to the phenomenon and experience of display rule conflict. Descriptive coding condenses the basic topic of a text of qualitative data into a word or short phrase (Miles & Huberman, 1994). The codes should identify and extract the essence of the topic (Tesch, 1990). I engaged in descriptive coding to convey my interpretation of each participant's experience to the reader (Wolcott, 1994). I assigned descriptions to reflect what my participants were discussing. I wanted to label the emotions that my participants felt in this qualitative analysis (Saldana, 2009). I considered emotion coding as most suitable to explore the intrapersonal and interpersonal experiences of my participants since emotions can provide deep insight into their world according to Goleman (1995). Here, I assigned emotive words to reflect what the participants were describing. In this way, I gained insight into my participant's experiences of display rule conflict. Finally, I also utilised

manual coding as opposed to NVivo coding as a means of giving voice to my participants in my study. Manual coding enabled me to use direct quotations from each participant. I did not use NVivo as I did not want to quantify how many of my participants felt positively or negatively about the display rule conflict they experienced (Bosit, 2003). Instead, I wanted to capture the quality and richness of the language and phrases used by my participants to describe their experiences of display rule conflict in order to understand what they felt and why. Below in Table 4.4, I provide an example of my coding process. This excerpt of text is taken from one of my participants, Judy, who was discussing how she felt she was expected to behave as a family law practitioner. I coded the same text in three different ways (descriptive, emotion, and manual) which provides a useful demonstration of how I arrived at my codes. The part in Table 4.4 that is highlighted in yellow depicts a direct quote (manual coding). The word 'professional' is a descriptive code which reflects Judy's words that she felt that she had to behave in a professional manner. The words 'neutral emotion' are an emotion code which reflects Judy's words that she was expected to distance herself from the client. Although the table below shows all three types of coding in one table, I reiterate that when I coded the data, I utilised a separate table for each code to ensure that each type of code was carried out in isolation. This meant that I could then look to group similar codes that emerged.

Line number	Text	descriptive/emotion/manual coding
132	P3: I would ...well that's a guess isn't it	professional neutral emotion
133	because its not actually stated but I	
134	would assume that they would expect	
135	you to behave in a professional	
136	manner. Show some understanding and sympathy but keep yourself distant from it	

Table 4.4: Example of coding process

After I coded each interview descriptively, emotionally and manually, I entered my codes in an excel spreadsheet (Table 4.5). This arrangement facilitated

“viewing of a full data set in one location” so that I could collate and visualise clearly, the emergent themes to address my “research question at hand.” (Miles & Huberman 1994, p. 432).

Participa	Years of	Job title	Gender	Age	Ethnicity	Line	Code	Grouping of	Clusters	Grouping	Sub-	Theme	Type of
Experienc	Experienc	Job title	Gender	Age	Ethnicity	numbe	Code	Codes	Clusters	of cluster	themes	Theme	Analysis

Table 4.5: Excel template for thematic coding

As Table 4.5 illustrates, I created fourteen columns in my spreadsheet. The following headings: participant (name), years of experience, job title, gender, age, ethnicity, line number, code, grouping of codes, clusters, grouping of clusters, sub-themes, themes, and type of analysis were the headings of the columns that I considered necessary. These provided the physical space to display the full data set including data relating to demographical information and transcribed interviews. I labelled the columns sequentially as: participant, years of experience, job title, gender, age, ethnicity, line number, code, grouping of codes, clusters, grouping of clusters, sub-themes, themes, and type of analysis. Notably, the data in the first six columns are the same for the participants since they represent participants personal information and therefore, they did not change during the analysis.

In the column headed ‘line number’ I inserted the line numbers in the transcript which corresponded to the code that I found when I coded descriptively, emotionally and manually. My coding yielded 2049 codes. Once I had coded in the three different ways and inserted these codes in the column headed ‘code’, I grouped the codes. I arrived at 609 groups of codes. The names of the groups were derived from my interpretations and ideas of appropriate group names for the codes. For example, I grouped all codes regarding training, learning or experience as ‘emotional labour training’, ‘emotional labour skills’ or ‘experience’ in the column headed ‘groupings of codes’. I then clustered the groups which led to ninety clusters of groups. I used more holistic headings with the aim of developing themes. For example, for the groups of codes named ‘emotional labour training’, ‘emotional labour skills’ or ‘experience’ I labelled this cluster ‘training’ thus narrowing down the

information. Once I named the clusters in the column headed 'clusters' I grouped the clusters in another column. I arrived at forty groups of clusters. I then put the grouped clusters into twenty-two sub-themes. Four main themes emerged from the data and from the way in which the codes were grouped and clustered. The four themes include expectations, professional identity, support by offloading and learning. I categorised codes relating to training, learning or experience as the emergent theme 'training' since they connoted descriptions of the participant's experiences and words. I reviewed each of the themes to check if I could consolidate them even further. See Table 4.6 below for an excerpt from Judy's section in the excel spreadsheet. As Table 4.6 is an excerpt, it should be noted that not all the sub-themes can be seen. The excerpt is a snapshot of the whole excel spreadsheet.

Participant	Years of Experience	Job title	Gender	Age	Ethnicity	Line number	Code	Grouping of Codes	Clusters	Grouping of cluster	Sub-themes	Theme	Type of Analysis
Judy	19	Paralegal	F	40-49	White Briti	105	No training	training	training	training	conflicting ex	expectatic	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	117	empathy	client expectatic	client display r	display rules	No training	Learning	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	118	stoic	organisational c	organisational	display rules	client expect	expectatic	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	142-143	Display no	organisational c	organisational	display rules	firm expecta	expectatic	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	144	about the jo	organisational c	organisational	display rules	firm expecta	expectatic	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	153-154	Private clie	private clients v	client display r	display rules	Profession e	expectatic	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	450-451	Communitie	communities of	communities c	communities	No training	Learning	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	493	Offload at h	communities of	communities c	communities	off loading	Support	Descriptive
Judy	19	Paralegal	F	40-49	White Briti	445	Off loading	communities of	communities c	communities	No training	Learning	Emotion
Judy	19	Paralegal	F	40-49	White Briti	465	Off loading	communities of	communities c	communities	off loading	Support	Emotion
Judy	19	Paralegal	F	40-49	White Briti	478	Off loading	communities of	communities c	communities	off loading	Support	Emotion
Judy	19	Paralegal	F	40-49	White Briti	486	Formal sup	communities of	communities c	communities	off loading	Support	Emotion
Judy	19	Paralegal	F	40-49	White Briti	181-84	Yes I think t	EL conflict	EL conflict	EL conflict	professional	Identity	Manual cod
Judy	19	Paralegal	F	40-49	White Briti	565-567	Because pe	Experience	experience	training	personal exp	expectatic	Manual cod
Judy	19	Paralegal	F	40-49	White Briti	565-567	Because pe	EL strategy	EL strategy	emotional la	conflicting ex	expectatic	Manual cod

Table 4.6: Excerpt of codes, grouping, clusters, and themes

I then linked the themes to my research questions and theoretical framework which I will expand upon in my discussion chapter. Table 4.7 below provides a summary of the links between my twenty-two sub-themes, four themes, research questions and conceptual framework.

Sub-themes	Themes	Research Questions	Conceptual Framework
-Client expectations -Firm expectations -Profession expectations -Personal expectations -Conflicting expectations	Expectations	What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders?	Professional Identity
-Personal identity -Professional identity	Professional identity	What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders?	Professional Identity
-Offloading -Offloading with colleagues -Offloading with family -Offloading good for mental health -Offloading not encouraged -Offloading is private -coping -informal support -lack of support	Support by offloading	How do family law practitioners deal and cope with display rule conflict in the workplace?	Communities of Coping
-Experience of others -Inexperience -Formal training -Learning -No training -On the job training	Learning	How do family law practitioners deal and cope with display rule conflict in the workplace?	Communities of Coping

Table 4.7: Sub-themes, themes, research questions, and conceptual framework

I noted the emergent themes and wrote a summary of what each participant said about the themes identified in the data as part of the hermeneutic cycle. I used the tabs on the bottom of the excel spreadsheet to create a separate table for each participant thus creating ten different tables. Table 4.8 below is a representative example of the individual table for each participant.

Participant	Years of Experience	Job title	Gender	Age	Ethnicity	Line number	Code	Grouping of Codes	Clusters	Themes	Type of Analysis	Relevancy	Notes
Charles	20	Partner	M	40-49	White-British								
Charles	20	Partner	M	40-49	White-British								
Charles	20	Partner	M	40-49	White-British								

Table 4.8: Example of repeated demographic information for each participant

Once I completed thematic analysis for all interview transcripts, I was then able to engage with the hermeneutic circle to understand and interpret the data. This stage in the analysis will be discussed in the next section.

4.2.8.3 Qualitative hermeneutic phenomenological approach

In the second stage of my method of analysis, I initiated the hermeneutic circle. Specifically, I engaged with the hermeneutic circle concurrently within the coding process. After the initial coding phase (phase two) when I coded the data using descriptive, emotion, and manual coding, I initiated the hermeneutic circle to ensure that I revisited my understanding of the text as I tried to interpret the data. This iterative process of moving back and forth between the data and the text took place from the initial coding phase through to finding the emerging themes. The hermeneutic circle relates to the process of interpreting text. Interpreting text requires the reader to consider the parts of the text individually along with considering how they fit into the whole (Ajjawi & Higgs, 2007). Such interpretation is achieved as a result of a movement between parts (the data) and whole (evolving understanding of the phenomenon), each giving meaning to the other such that understanding is circular and iterative (see Figure 4.2). In this process, I remained open to questions that emerged from studying the phenomenon. The answers to those questions were found

in the text. Understanding then emerged in the process of dialogue between me and the text of the research. The act of interpretation itself represents a gradual convergence of insight on the part of the researcher and the text (Bontekoe, 1996).

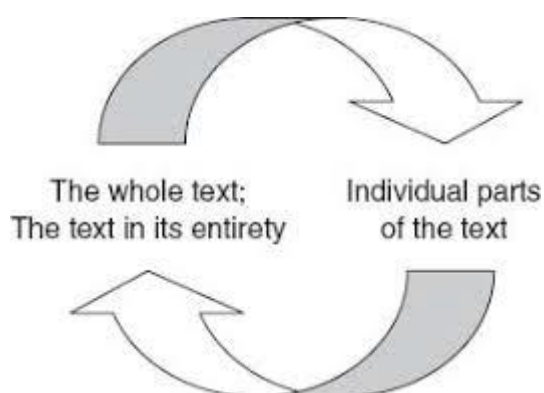


Figure 4.2: Hermeneutic Phenomenological Circle (Bontekoe, 1996)

I initiated the hermeneutic circle to become an active participant as I analysed my data. According to Van Maanen (1997), hermeneutics suggests that there are no such things as measurable behaviours, stimuli, and associated responses. Instead, as I analysed the data I focused on my encounters, my experiences and meanings I gleaned. I wanted to understand the meanings of my participants' experiences as found in their interviews (Van Maanen, 2014). Gadamer (1998, p. 389) argues that language and understanding are inseparable, and that interpreting lies in understanding since,

“Language is the universal medium in which understanding occurs. Understanding occurs in interpreting”.

I strove to understand the lifeworld of my participants as I explored the stories of their expectations. I employed a range of vision as I defined my horizon in this analysis. In doing so, I melded my interpretation and the meaning of the text (Polkinghorne, 1983). Such a process required me to be immersed in the text which was challenging since I was a novice researcher (Sharkey, 2001). As I immersed myself in the text, horizons fused as I looked for experiences of display rule conflict and ways in which my participants coped with them

(Vessey, 2009). In this way, I gained new interpretive understanding through self-reflection and discussion with participants.

The use of both thematic and qualitative hermeneutic phenomenological approach to analyse my data enabled me to obtain the appropriate codes necessary to evaluate my participants' experiences. Together these approaches contributed to my understanding and exploration of the existence and perceptions of display rule conflicts among family law practitioners. Concurrently, I gained insight into the way in which they dealt with such conflicts. In going forward from this point in my analysis, I related the four themes to professional identity theory and communities of coping.

4.2.9 Methodological limitations

The limitations of a study arise from the characteristics of the research design or methodology. Such limitations can be discussed in terms of methodological research opportunities (Price & Murnan, 2004). Research opportunities can arise from: the sampling process, sample size, methodological approach, measures to establish trustworthiness, as well as internal and external validity, and application to practice. I will discuss each of these in turn.

4.2.9.1 Sampling process

I engaged in purposive sampling in this study to target specific participants for richer and insightful data as I addressed my research question. Such a sampling strategy was suitable for my study as I interviewed participants who could discuss experiences of complying with multiple display rules all at the same time. Although, I cannot confirm that the participants in my study were a representative sample of the whole population (Neuman, 2011), it is possible that different sampling strategies such as random or snowball may have produced a more diverse group of participants which may have achieved different results.

4.2.9.2 Sample size

The small sample size in my study did not allow me to generalise my findings. However, as Smith and Osborn (2007) argue, there is no ideal sample size stipulated for a study. In keeping with this argument, I felt that my sample size

of ten participants enabled me to: engage with each participant sufficiently and to conduct a detailed analysis of the data to discover relationships in my findings. It may be that generalisations are possible with a larger sample size in a quantitative study.

4.2.9.3 Methodological approach

A hermeneutic phenomenological approach allowed me to explore the meaning of experience through understanding of perceptions and interpretations of the experiences. This study sought to understand, not explain. Therefore, as with all hermeneutic phenomenological research, a limitation of the study is that the findings only presented my interpretation of the data and therefore, I could not generalise my findings.

4.2.9.4 Trustworthiness

I have taken steps to ensure the trustworthiness of this study through techniques such as member checking and external auditing. However, I acknowledge that I could have utilised other means by which I could have upheld the trustworthiness of this study. I could have used quantitative methods to achieve methodological triangulation to establish validity (Guion et al., 2011). From my philosophical perspectives and the aim of my study, I felt that the best way to address my research questions was to utilise a qualitative methodological approach. So, trying to establish trustworthiness through triangulation was not an option.

4.2.9.5 Application to practice

My research area of display rule conflict is relatively under-researched. As such, I found few publications on research in this area to guide me. However, although the lack of research might have limited my choices of research design and approach, my research can make valuable contributions to literature in terms of methodology and findings and to advocate the need for further research. The inability to generalise findings in such a research is counterbalanced by the choice of methodological generalisation. In the final section of this chapter, I provide an overview of my participants.

4.3 Participant overview

Before concluding this chapter, I provide an overview of each participant by way of background information and how they got into the legal profession.

4.3.1 Charles

Charles is a partner and works in a medium sized law firm. Charles noted in the interview that in his role as family law practitioner he deals with divorce, high-asset financial matters and private law children work. He does not practise any care work or local authority work. Charles explained that he believes he chose to work in family law because of personal experience of his parents' divorce when he was younger. Charles noted that he was particularly drawn to the way in which a solicitor acting for one of his parents dealt with the divorce process and how much the approach assisted in the whole procedure. Following this experience Charles felt that he wanted to make a career as a family lawyer.

4.3.2 Emily

Emily no longer works in the legal profession however, when she did work in the legal profession, she was a paralegal for more than eleven years. She obtained an Institute of Legal Executive qualification in her early career while already working as a paralegal. As a paralegal, Emily confirmed that she mainly handled divorce, children and domestic abuse cases. She notes that she did not deal with financial matters until the latter part of her legal career. However, she stated that her workload tended to consist of low asset cases. Emily indicated in her interview that she did not consciously decide to practise family law. She noted that at the time and being a people person the transition into family law seemed like a good choice as she was leaving criminal practise.

4.3.3 Judy

Judy opted to be interviewed in her home as this was her place of work. Although Judy no longer works in the legal profession, at the time of her interview, she was a McKenzie Friend. A McKenzie Friend assists a litigant in person in a court of law in England and Wales by offering advice and support. This person does not need to be legally qualified. A McKenzie Friend cannot

offer the same level of representation as a family law practitioner and for example cannot conduct litigation or file documents with the court. Prior to becoming a McKenzie Friend, Judy was a paralegal for over nineteen years, although she confirmed she has no formal qualifications. She carried out mainly children work, some injunctions, and some care work. Judy confirmed that she has always worked as a secretary in law firms from leaving school. She took a career break when she had her children and did some voluntary work however decided to return to a secretarial role in a law firm. Eventually, a paralegal job became available in the firm for which she worked. She applied for the position and was successfully appointed and carried out a paralegal role for nineteen years.

4.3.4 Madeline

Madeline is a partner in a medium sized law firm and has been qualified for more than fifteen years. Madeline informed me that in her roles as family law practitioner and partner she not only conducted divorces, finances, private law children, injunctions, but also some legal aid management, departmental management, and some aspects of firm management. Madeline explained that she always wanted to practise family law and did some job placements while at university in a family law department at a law firm. She noted that the job placements confirmed her interest to practise family law and once she qualified in law, she practised family law ever since.

4.3.5 Jessica

Jessica is a qualified Fellow Legal Executive as well as a qualified mediator. At the time of interview, Jessica had two roles which were a family legal executive as well as a family mediator. Since her interview in this study, I understand that Jessica has been promoted to partner, however, she has still retained her role as family mediator. In her family legal executive role Jessica carries out mainly private children cases and some injunction work but does not carry out any care work. Within her family mediator role, Jessica mainly provides a mediation service to families. This may pertain to separating couples but also to families, including grandparents who, sometimes look after children when parents cannot do so. The aim in her role as family mediator is

totally different to that of a legal executive and for the purposes of my study, I directed Jessica to answer questions based on her role as family legal executive. Jessica indicated in the interview that she developed an interest in family law in her role as a secretary when she was younger. After expressing an interest to her employers, she was asked to carry out more case work and eventually was asked to obtain the legal executive qualification. Jessica has had over sixteen years' experience in practicing family law.

4.3.6 Matt

Matt no longer works in private legal practice. At the time of interview, Matt had been qualified as a solicitor for over three years and worked in a medium sized law firm. He is also a qualified solicitor advocate which enables him to conduct advocacy in the higher courts in England and Wales, which solicitors are not usually allowed to do. Matt confirmed that his main areas of work include financial and children cases and some domestic abuse cases. Matt indicated that he wanted to practise either criminal or family law as these areas of practice would enable him to carry out advocacy in the courts as a solicitor.

4.3.7 Mary

Mary is a paralegal with over ten years' experience. Prior to her paralegal role, Mary stated that she was a legal secretary for five years. Mary noted that her main areas of work include legal aid private law contact disputes, care proceedings, domestic abuse cases, divorce and finances. Mary stated that she got into family law work through no formal means. As a family law secretary over time she was given more responsibilities and eventually her own caseload. This led to her being appointed to a paralegal role.

4.3.8 Jason

Since his interview, Jason has been promoted to partner. At the time of interview, Jason was a qualified solicitor for over seven years. He confirmed that his main areas of practise include divorce, finances, disputes in relation to children, and domestic abuse. Jason explained that he drifted into practising family law during his training contract. Although he did not particularly enjoy

practising family law at first, Jason explained that eventually he enjoyed helping people who are going through difficult circumstances in their lives.

4.3.9 Ann

Ann was no longer practising law at the time of the interview. When she practised law, Ann was a qualified solicitor of three years. Prior to qualifying, Ann was a paralegal for two years and confirmed that she practised family law throughout her roles as paralegal and solicitor. Ann explained that her main areas of practise included divorce, domestic abuse, cohabitation, and children cases including both social services and private. Ann noted that her interest in family law started when she did some volunteer work whilst at university. From that time, she targeted family law experience and modules in law school and during the post graduate qualification.

4.3.10 Olivia

Olivia is a qualified family law solicitor with over twenty-three years' experience and at the time of interview was a partner in the family law team. Olivia's main areas of practise include finances on divorce and separation, cohabitee disputes, pre-nuptial and pre-partnership agreements, and some private children law work within the finance cases. Olivia informed me in interview that when she was a trainee solicitor, she practised a variety of areas of law. However, once she qualified as a solicitor, she focused on family law and personal injury law. Olivia then saw an advertisement for a family law solicitor in a large national firm for which she wanted to work, so she applied for the post and decided to move into family law. Olivia noted that she was not particularly interested in practising family law per se, however. She was more interested in working for that firm. Following this decision, she continued practising family law and stayed in this area of practice throughout her career to date.

Having provided a summary of the demographic data and a synopsis of each participant, I will now present the findings and discussions about the themes of expectations, professional identity, support by offloading as well as the salient features of the theme of learning. I began this chapter by outlining my philosophical position and identified the interpretivist research paradigm as the

most appropriate for this study. My philosophical assumptions revealed that a realist ontology and a social constructivist epistemology were suitable to address my research question. Such a philosophical stance led me to choose hermeneutic phenomenology as my methodological approach, which I have discussed at length to justify my choice of Gadamarian hermeneutics. As I proceeded to illustrate my research design, I provided an overview of the ethical considerations to which I adhered. I showed how I established rigour and trustworthiness in my research and drew attention to possible biases that could have arisen because of my history as a family law practitioner. My recount of my pilot study informed how I adjusted my research method and the tool I utilised to obtain data. I followed this step by my sampling process and discussed my research participants. At this point, I discussed extensively, my data collection methods based on the research instruments I utilised. Next, I provided in-depth discussions of my data analysis process. I then discussed the methodological research opportunities of my study followed by my reflection of my research process. I ended the chapter with an overview of my participants. As I exit this chapter, I present my findings and discussions in two separate chapters. In the next chapter I will present the findings and initial interpretations of the four themes of expectations, identity, support by offloading, and learning. In the second ensuing chapter, I provide a more in-depth meta-discussion in relation to the four themes in my study.

Chapter 5: Findings

The purpose of my study was two-fold: to explore the experiences of display rule conflict among family law practitioners when interacting with different stakeholders and to know how these practitioners deal and cope with conflicting display rule expectations in the workplace. In this chapter I present my findings and initial discussion of the four themes that emerged from analysis of the data. The four themes identified are expectations, professional identity, support by offloading, and learning. This chapter comprises four sections. In each section, I will present and initially discuss the themes in my study, respectively, starting with the theme of expectations. In my study, the theme of learning was closely interwoven in my participants' experiences of display rule conflict and how they coped with such conflict. I developed this notion into a findings figure (Figure 5.1 below), which is presented in the next section as I provide an overview of how the themes found in my study relate to my aims, objectives, and research questions.

5.1 Themes and findings figure

In Table 5.1, I illustrate the relationship between my research questions, objectives and resulting themes. I found that the themes of expectations, professional identity, and learning helped me to address my first research question which was:

- What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders?

Furthermore, the themes of support by offloading as well as learning, helped to answer my second research question which was:

- How do family law practitioners deal and cope with display rule conflict in the workplace?

Research questions	Objectives	Themes
What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders?	Understand experiences of display rule conflict among family law practitioners	Expectations Professional Identity Learning
How do family law practitioners deal and cope with conflicting display rules in the workplace?	Evaluate the influence of display rule conflict on family law practitioners based on their interviews. Explore ways in which family law practitioners deal with display rule conflict.	Support by offloading Learning

Table 5.1: Research questions, objectives, and themes

Below at Figure 5.1, I present my findings figure which visually presents the superordinate themes which emerged in my findings. I will refer to this figure throughout this chapter to demonstrate which theme I am addressing and how it fits in with a holistic view of all four themes.

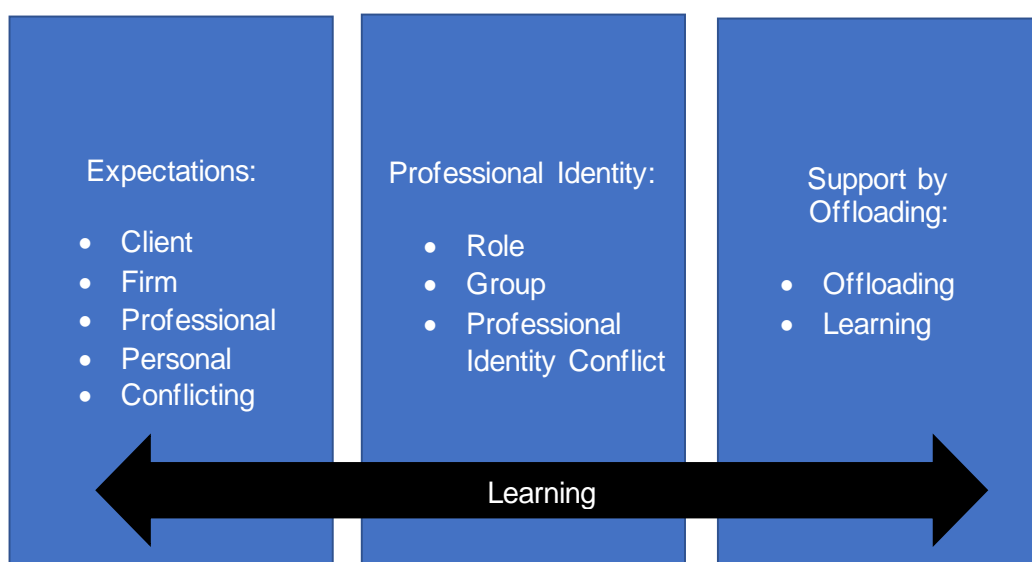


Figure 5.1: Findings Figure

I now present and discuss my first theme of expectations.

5.2 Expectations

All participants discussed and commented on their perceptions of stakeholders' expectations as they performed their legal duties. Together, they constitute the overall expectations family law practitioners experience from stakeholders. It should be noted that not all participants experienced these five expectations (sub-themes) at the same time. Expectations experienced were contextual and depended on the participant's position in his/her law firm. I now address each sub-theme individually.

5.2.1 Client expectations

During interviews, my participants spoke at length about the emotions they felt their clients expected them to display. All participants commented that clients expected emotions displays that denoted sympathy, empathy, a voice, and trust. Some of the participants noted that clients expected them to mirror their emotions and display negative emotions at court. One example of this sentiment was reported by Madeline, a partner with over 15 years' experience:

"If you think about it a client who is riled up wants you to be riled up".

It appears that such an expectation is at the heart of lawyering (Gerdy, 2013) and therefore, family law practitioners need to exercise empathy and compassion. These actions are as important as the skills one learns in preparation for the legal professions. According to Barkai and Fine (1982), the lawyer who listens with empathy to their client can strengthen the case, improve client satisfaction, and promote the reputation of the firm.

Demonstrating sympathy and empathy may be important to enable a family law practitioner to build a relationship with their clients based on trust and rapport. Yet, it may not be a neutral or genuine display from the practitioner in all circumstances. This is likely to be the case where a family law practitioner does not agree with the client's conduct or case as Jason attested. He explained,

"the most challenging aspect that I find isn't necessarily getting on board with the emotions I'm supposed to display it's doing so sincerely".

Here, Jason alludes to circumstances where he may have to falsify emotions such as sympathy or empathy. The challenge he faces in such instances is ensuring that he displays client expectations of emotions authentically. Participants may perform surface acting as they falsify emotions that are not truly felt (Hochschild, 1983).

Many participants feared that their views on such interactions might not be aligned with clients' expectations. In addition, participants felt that potential conflict between clients' expectations of sympathy and empathy and practitioners' reactions can exist. This an example of intra display rule conflict within client display rules. The family law practitioner may need to display or show sympathy and empathy to facilitate clients to discuss their emotions. In this way, practitioners convey the impression that clients have been heard. Such an impression may lead to the perception that the family law practitioner is trustworthy and effective (Gerdy, 2013). As Emily, a paralegal with over 11 years' experience revealed,

"I mean certainly I've been in a situation where I've probably come across as much more cross and angry than I'd like to be especially in front of judges that I like because that is what is expected of me from the client".

Similarly, Madeline said,

"...yeah they want you to mimic their behaviour, I think. There is a lot of that".

Also, Jessica, a paralegal with over 16 years' experience, confirmed that,

"They (clients) come to have a fight or a row about something and they want us to be the same".

In some instances, family law clients may consider their lawyers as a weapon to inflict pain on to their ex-partners (Voight, 2005). Clearly, the family law client is potentially among the most emotional type of client and they have expectations of sympathy and empathy rather than emotional neutrality and unbiased views that my participants felt they needed in such cases.

Despite the need for the client to trust their legal practitioners, it may still be difficult in some situations. Such a situation could be when family law practitioners struggle to display genuine or natural emotions such as sympathy and empathy. They may be experiencing emotional dissonance (Grandey, 2000). Notably, a few of my participants experienced intra display rule conflict when complying with client display rules. However, it could be that they did not report it as a source of tension that existed as far as their interaction with their clients was concerned. So, although participants experienced intra display rule conflict when complying with client display rules, the experience might not have had a marked impact on their overall roles as family law practitioners.

Another aspect of client display rules that could lead to experiences of intra display rule conflict was the privately paying clients were perceived as more emotionally demanding than publicly funded clients. As Jessica noted, private clients had higher expectations in her experience. She contended that,

“you know ‘I’m paying £15 per letter what am I getting for it?’ They are ones who have higher expectations”.

Madeline further explained that,

“Well it will be the private paying clients who say: ‘well I’m paying you this much and I expect a better service’”.

Perhaps some private clients view the act of retaining a lawyer in the same way as buying a product or service such as the family law practitioner's expertise. In this way, they will expect quality and high standards. This expectation may be even greater if the practitioner was either highly recommended or reputable. The commoditisation of legal services inevitably means that clients who pay for expertise may demand excellent service, reduced costs, and more choices. Ultimately and over time this may result in client loyalty and repeat business which is invaluable (Phillips, 2016).

Some of my participants noted that client loyalty and repeat business was important. They were aware of the importance of retaining clients and remaining competitive. As such, Emily noted that,

“you would know that you can’t just transfer a legal aid certificate at the drop of a hat whereas a privately paying client can drop you and take their case to another firm of solicitors which is, you know,

probably the most embarrassing thing because you are pressured by that embarrassment”.

Thus, it may be that some family law practitioners perceive pressure from privately paying clients to deliver the range of emotions expected to ensure client satisfaction and loyalty. On the other hand, a publicly funded client may not cease instructions and change lawyers as easily due to dissatisfaction of service. The process is much more complicated and often lengthy. Thus, this may be why some of my participants believed that publicly funded clients are less demanding on them emotionally. Additionally, Emily related that the pressure she experienced from representing privately paying clients was much greater than when she represented publicly paying clients. As she said,

"I don't want to say that you felt the pressure of the result because in legal aid of course you want to do your best. But there was less pressure of result in the legal aid matters than there was in private matters because I was in a firm dealing with private cases and there was only 1 result you came back with and that was a good result whereas in legal aid you went through a process".

For Emily, and some other participants, retaining private clients made it easier to achieve billing targets.

The data surrounding client expectations in my study was based on my participants' perceptions of clients' behaviour. One needs to bear in mind that family law practitioners may not be able to interpret client expectations or client display rules as well as they would interpret organisational display rules. One reason is that client expectations and display rules can vary from client to client and vary for each client as the case progresses. My experiences as a family law practitioner and a client have afforded me the privilege to be able to understand these opposing perspectives. I now turn to the second sub-theme in this section, firm expectations.

5.2.2 Firm expectations

The theme of 'firm expectations' encompasses expectations which arose from interactions within the firm. My participants felt they faced expectations from management within their firms as well as cultural expectations of emotion they perceived existed in their organisations. Such differences between management espoused expectations and cultural expectations is an example

of intra display rule conflict. Some participants revealed that management expected them to be enthusiastic, friendly and empathic with clients. One of the participants, Olivia, a partner, noted,

"We always look for trainees that have the ability to empathise".

However, other participants noted that while these expectations were made clear by their management, the culture in their firms made them feel that those expectations were not a reality. For example, Jason acknowledged that his firm expected him to be friendly, but,

"you're not going to get anywhere if you're sat with your client for 2 hours whilst they're in tears".

It appears that Jason felt that he could not be so friendly to the extent that he was investing time with his client but not getting his job done. Similarly, Jessica indicated she felt that family law practitioners were employed to deliver a legal service to clients and ultimately to make money for the firm. She felt,

"That's about as cutthroat as what it is".

In a similar vein, Judy felt that she was expected to mask her emotions because in her firm,

"it's more about you're here to do a job now get on with it".

Other participants discussed feelings of resentment or tension towards the emotional expectations of management or the legal culture in their firm.

Three of my participants noted a discrepancy between the expectations of management and the reality of working in a consumer-oriented legal profession. This finding aligned with the consensus that the contemporary legal profession is increasingly becoming commercialised, specialised, diversified, and fragmented (Francis, 2005; Sommerlad, 2002; Nicolson & Webb, 1999; Hutchinson, 1998).

Some participants discussed issues regarding the legal culture in their law firms. For example, Madeline, a partner, was annoyed that the corporate culture in her firm influenced how she was expected to carry out her job. She indicated that the expectation from management was that,

“you are going to be a piece on a chess board that is not going to display (emotions)”.

She felt that there was a certain disconnect between management and fee earners who carry out the day to day family law work. She stated that there were,

“management who’ve got no legal experience because they’ve been brought in as managers...”.

She suggested that management in her firm were not happy if staff expressed their emotions. She felt that they were more concerned about the bottom line. As she said,

“there is a serious lack of empathy with the upper echelons as I keep calling them (laugh) and understanding of the situation”.

She added,

“I think the non-legal top bods have very, very little appreciation for emotions”.

I found this observation interesting. It is argued that law firms that are managed by non-lawyers such as alternate business structures, tend to have a corporate culture as external investors seek to impose their own, more corporate-based, culture (Pereira & Payne, 2012). External investors who manage law firms are expected to be represented on the law firm’s management committee and have the right to oversee any strategic decisions. Such a presence can influence the culture and expression of emotions within the firm.

Some participants experienced intra display rule conflict when they attempted to comply with firm display rules across the firm. They found that different people in the organisation had different expectations of them as family law practitioners. Matt, a solicitor in his firm, related that emotional expectations of his firm varied between bosses. In speaking about the Head of Department who was based at the Head Office, Matt said,

“he sees our way of working not as being emotionally attached but being more practical and proactive in sorting problems and more like ‘we’re not here to support you emotionally we’re here to solve the problem’ ”.

In contrast, the expectations from his immediate line manager, with whom he worked daily, was the opposite. He noted,

“she expects me to emotionally support the clients”.

Another participant, Ann, perceived the same issue. She felt that,

“it depended on who was your immediate boss at the time”.

In this section, the sub-theme of firm expectations demonstrates that participants experienced intra display rule conflict when complying with display rules within the firm. Participants experienced a difference in expectations from management and the culture of the firm which put pressure on fee earners to achieve financial targets. This tension was especially felt where family law departments exist in corporate law firms where the cultures do not align. Other experiences of intra display rule conflict stemmed from varying emotion expectations across the firm where managers at a corporate level had different emotion expectations than managers at a branch level such as in family law departments. This led to a further sub-theme of professional expectations which is now discussed.

5.2.3 Professional expectations

My participants felt that professional expectations involved managing emotions. They defined their profession as comprising the Law Society, The Legal Aid Agency, and judges. Participants believed that the profession expected them to be professional and emotionally neutral. Three participants indicated that they felt they were expected to distance themselves from emotions and behave as robots when they took a case. Seven participants noted that they felt that they were expected to be emotionally detached. In discussing the expectation to remain emotionally detached, Charles, a partner, said,

“You’d be frowned upon if you were obviously not able to do that”.

Ann concurred with Charles and felt that she was expected to show,

“no emotions and just get on with the job”.

Madeline, another partner, felt that the rules of the profession directed family law practitioners to have a “thicker skin”.

Some participants report experiences of inter display rule conflict when attempting to comply with professional display rules and client display rules. Two participants in my study felt that members of the legal profession including judges, expected them to be responsible for their client's emotions. Judy, a paralegal, said that she had a client who had threatened a Judge and,

“...the judge walked out and said, ‘you’d better sort him out’ as if it was my fault that this man was behaving like this”.

Some participants related that, on occasion, they were made to feel embarrassed as a legal professional if they did not comply with their professional display rules. As Emily informed me, she felt that pressures arising from the possibility of professional embarrassment influenced how she addressed clients' expectations. I consider this an example of inter display rule conflict between professional display rules and client display rules.

Although some participants accepted these expectations from the profession, they would rather use and manage emotions to carry out their roles. Jason complained that, at times, he was unable to deal with his client directly in court because judges would address his clients directly. One example he gave was the case in which the judge admonished,

“...a client in a financial hearing who was in tears ‘you being upset isn't a relevant factor in me deciding how to distribute this money’”.

Jason complained that on several occasions, he felt embarrassed in front of his clients when judges addressed them directly. This may be because Jason felt undermined by the judge. My participants perceived that the professional expectations of neutrality and detachment implied that they should control their client's emotions throughout the case. This is despite client instructions to display emotions such as anger or frustration in the case.

The participants felt that the demands of professional expectations controlled how they manage their emotions. They felt that they have more autonomy when they represented their clients in accordance with client expectations. Participants identified emotions such as "embarrassment" and acknowledged feelings of castigation if they did not comply with their professional expectations. So, while family law practitioners must comply with a variety of professional display rules, it appears that rules relating to emotions are more

demanding than others. Thus, adhering to professional display rules ensure conformity and reinforcement of professional expectations by the practitioner or they face criticism from peers and superiors. In the worst cases of non-compliance with professional display rules, legal practitioners can be held in contempt of court which can carry a sanction of imprisonment. Although there is evidence of inter display rule conflict, family law practitioners feel compelled to prioritise professional display rules over other rules, including client display rules. Furthermore, they do not appear to experience a tension as they work on the understanding that professional display rules take priority, which led to the theme of personal expectations. I now turn to discuss personal expectations.

5.2.4 Personal expectations

Participants spoke about their personal expectations while complying with different display rules. Participants described the expectations of themselves as professionals. These personal expectations related to the emotions my participants displayed because of how they felt they should behave as family law practitioners. Participants admitted that they used genuine emotions with clients, but they maintained that they had to manage those emotions. I can appreciate my participants' decision given that it is acceptable that legal professionals may be required to hide emotions or appear emotionless and yet display emotions or sympathise with their clients (Spain & Ritchie, 2016).

Emily, Jessica and Charles described how they managed their emotions when interacting with their clients. Emily explained that being able to use genuine or natural emotions enabled her to manage her professional relationship with her clients. *As she said,*

"I just generally like want people to like me and one way of getting that across is by being nice by being generally a nice person and being satisfied with that and then they get satisfaction with that. It's a natural thing for me".

Then there was Jessica who felt that in some cases her clients would consider her a friend. She pointed out that,

"You can't just sit there and lecture 'the law says this' or 'the law says that' while she's sat crying her eyes out. You sit there and talk

through what their worries are...what their concerns are, what needs to happen to make this better".

On the other hand, some participants felt that these genuine and natural emotions must be managed and controlled. Charles pointed out that,

"you can't be completely 100% going through every feeling they're going through".

and,

"You've got to be able to empathise with the client but not to the point where you cannot obtain an objective view".

Other participants were mindful about using genuine emotions regardless of their perceived expectations from other stakeholders. Evidence of this is seen in Matt's admission that,

"I also act differently with people I work with closely in the office like my boss".

And,

"it's very much tailoring how I act to the situation I am in".

I understood that when the participants were discussing expectations generally, they were reserved about their own expectations on the job and towards various stakeholders. It appears to me that the expectations of other stakeholders had greater influence on my participants. As such, my participants were aware that they needed to display different levels of genuine emotions during interactions with clients, than when they interacted with other stakeholders.

My participants used genuine emotion or a personal feeling during interactions with clients if they felt it was helpful to the lawyer-client relationship (Kadowaki, 2015). As Judy said,

"I think you can't just be a flat personality with no emotions. It won't work...".

Also, Matt discussed the use of genuine emotion as a means of building rapport and client loyalty. He informed me that,

"I do have some clients who have followed me from other firms who have followed me because they feel comfortable with me and have

a rapport with me. They know that I will support them emotionally as far as I can really".

He further provided an example of a client who was shopping around for a legal representative. Matt related how he took the time to explain to her the various ways in which he could offer support and he felt that the client ended up instructing him because,

"she needed the assurance that the relationship was special to her".

Thus, I surmise that the behaviour of the participants in my study may well have been influenced more by the expediency of client needs despite the pressures exerted by the expectations of other stakeholders. This is an example of inter display rule conflict as there is a perceived dominance of one display rule over another.

I have cited some participants in my study who were prepared to use emotion with clients because that was expected of them. Yet they felt compelled to indicate to management that they were neutral and emotionally detached. Madeline, as a partner, noted that she was aware that she altered her emotions selectively. Essentially, she tried to please all stakeholders. As she said,

"I think you alter your emotions every time that you're meeting the top brass to the point where you think you're a bit of a two-faced sod (laugh). Cause I get on well with the top dogs, but I think it's completely staged".

Madeline went on to say,

"yes, and I think you have to be a complete chameleon. And I think different with different colleagues as well.... Anybody who's got a position of power could turn around and make you redundant and without following any kind of procedure. So that really puts you on edge".

Madeline was in a unique position in her firm as she was both a partner and a fee earner. She perceived inter display rule conflict as she reconciled complying with both client and firm display rules. Madeline appreciated the benefit of using genuine emotion with clients. However, she could also appreciate that her boss would not necessarily be pleased with the advice she may have offered a client who might have insufficient means to fund the case.

As a partner in her firm, Madeline was responsible for ensuring her team achieved their billing targets. Madeline was aware that her main task as a fee earner was to achieve her billing targets. While her boss might have thought that every case should secure a client, Madeline explained that she could not encourage her clients to continue with their case if they would have had issues paying their legal bills. This is because Madeline would have the subsequent issue of a client debt which would directly impact her billing target. If Madeline was flagged as a fee earner who had clients with unpaid bills, then she would have to face performance review meetings and ultimately disciplinary action by the firm. Thus, Madeline had to use genuine emotion when interacting with her clients with respect to the cost-benefits in such cases. However, in front of management, Madeline chose to use surface acting to portray herself as a profitable fee earner. Madeline explained that she made such decisions so *"you don't get sacked!"*.

Some participants admitted to feeling detached in the cases in which they performed emotion work. One such case in which family law practitioners may be detached is one in which they are retained by a client who may have behaved in an abhorrent manner (Kadowaki, 2015). For example, the client could be one who was found guilty of domestic abuse or child abuse. Such a case can be challenging for family law practitioners who would need to set aside their views and beliefs to act as legal representatives. Jason described such a situation succinctly when he said,

"you've got clients coming in and they are horrible, and you can't sit there and tell them that they're horrible".

Family law practitioners may need to detach themselves from the situation to contain feelings of anger or frustration, so that they can comply with client display rules, organisational display rules, and professional display rules. In complying with these display rules, I am not implying that the rules are aligned. A client who has behaved in an abhorrent manner will still expect a family law practitioner to display emotions such as anger to the other party.

In this section, the sub-theme of personal expectations demonstrates how instance of inter display rule conflict can arise. Essentially, how the participants saw their role as a family law practitioner meant they could easily experience

inter display rule conflict especially where emotion expectations did not align. Whether this was a clash between providing advice that would not benefit the firm or following the instructions of an abhorrent client, personal expectations can lead to inter display rule conflict. It may be that participants felt they could not prioritise their personal expectations over client display rules or firm display rules as otherwise, they would not be carrying out their roles effectively. These findings led to the creation of the final sub-theme, which is conflicting expectations, which is discussed next.

5.2.5 Conflicting expectations

All participants acknowledged and cited conflicts that arose from competing display rules. All participants felt tension when they attempted to adhere to more than one display rule simultaneously. I refer to such conflict as inter display rule conflict. Some participants recalled circumstances when they had to choose between complying with client's instructions or expectations of other stakeholders including the legal practitioners. It appears that these conflicts could arise from family law practitioners regardless whether they were paralegals, solicitors, or partners. In the following paragraphs, I present instances of inter-display rule conflict.

Madeline confessed that she felt conflicted when she wanted to seek vilification for her client, but she knew she would be unable to complete the case. She felt that the legal system was unfair and recognised that there was little she could do about it. This situation highlights an example of inter display rule conflict between client expectations and professional expectations. She explained,

"I think it's a litigant in person, who is playing the system. And then obviously the added frustration of the client who is saying 'I'm paying you thousands of pounds why is she winning?'."

Madeline continued to explain her sense of conflict when she said,

"... and I'm finding I'm being sucked into this because I've got empathy with him (her client) and I feel really, really sorry for him. I'm now becoming really angry with her (the other party) and it's like (laugh) I've got to take a step back from that. I'm finding it very hard".

Jessica, a legal executive, also discussed the conflict she felt when she had difficult conversations with clients about legal aid payments. She felt that,

“...it is more uncomfortable, and I hate that side of things”.

The inter display rule conflict here was experienced between complying with client display rules and firm display rules. Jason, a solicitor, supported this report of conflict when he recalled that he felt conflicted as he struggled to follow client instructions. As he explained,

“there are times when a client provided me with instructions (client expectation) where personally I think their conduct is reprehensible (personal expectation) but as long as its professionally 'allowable' (professional expectation) then I have to get on with it and follow instructions even if I don't agree with the way that they're handling their own life”.

This is a good example of the level of inter display rule conflict that can be experienced by a family law practitioner. Here, Jason indicates that he grappled with complying with client, personal, and professional expectations simultaneously.

Emily, a paralegal, experienced inter display rule conflict between her personal expectations and the firm expectations, the latter of which required her to adopt a more assertive approach to family law. She noted that one firm she worked for was,

“renowned for going in all guns blazing and I didn't come from that background and found that a struggle because I didn't want that”

She discussed her firm's corporate culture and how felt that she was expected to adopt and adhere to the culture which she found uncomfortable. Emily said that her colleagues also adopted the firm's culture which meant that she was unable to find support from colleagues in relation to how she was feeling. Emily's experiences of inter display rule conflict led her to feel anxious at work around colleagues especially as she worried that,

“I wasn't going to match up to their expectations. Their expectations!!!”

From Emily's account, she also experienced inter display rule conflict between the client's expectations and those from her firm. When dealing with a client,

one can easily rationalise that each client is different and not every client would expect the practitioner to behave in a manner that contravenes that practitioner's personal values. Expectations of the firm, on the other hand, can be more pervasive for a practitioner. In Emily's case, she experienced a degree of tension because she did not align with the culture of her firm. She admitted that she wanted to work for that firm because of its reputation for dealing with high worth clients and high asset cases. Emily noted that her legal experience mainly stemmed from working on children cases and she wanted to gain more experience with financial cases. She said,

"Ancillary relief was an area that I started to take on more and more and this (case) was my first biggie for me....I didn't want to also let the team down".

It may be that she did not anticipate that the culture in her current work environment was different from the culture in her previous firm. In her previous firm, her clients were predominantly publicly funded or had "low asset" cases. In any event, Emily perceived a great amount of pressure working in her current firm which suggests that she did not identify with her role in her firm. Perhaps Emily's experience of inter display rule conflict between her personal expectations and firm expectations had a negative influence on her as she struggled to reconcile adopting the culture of the firm and culture among her colleagues.

Finally, there is Mary, who perceived conflict as she attempted to reconcile what Resolution expected from her as a family law practitioner with the perception of a lack of respect for Resolution from other professionals.

"I'm all about let's not make things worse and let's keep things calm. I've got someone else on the other side at the minute and she's really aggressive and it's not right. It's not what we're about. She's quoting Resolution but still acting like that and it's just mad".

Herein lies the complexity that exists between compliance with formal and informal display rules for family law practitioners. As they tried to unravel and rationalise such complexities, they recognised that they had difficult choices to make.

It appears that my participants were caught on the horns of a dilemma whereby they were to act as professionals while being loyal to clients. Furthermore, my

participants had to obey the SRA Code of Conduct (2011) which states that where two or more principles are in conflict, practitioners must prioritise the principle that best serves the public interest in the circumstances. Resolving such conflicts appeared to be a problem for my participants in that the principle that best serves the public interest is sometimes open to interpretation and contingent upon whose interest they need to serve. In the end, it depends on how they interpret those professional, organisational and client display rules.

I present a summary of the various expectations my participants encountered, and experiences of display rule conflict reported in Table 5.2 below.

Expectations	Display rule conflict experienced
Client expectations	Intra display rule conflict
Firm expectations	Intra display rule conflict
Professional expectations	Intra and inter display rule conflict
Personal expectations	Inter display rule conflict

Table 5.2: Expectations and conflicts encountered by participants

Notably, the professional identity of a family law practitioner is likely to influence the decisions they make in choosing which display rules they will prioritise. Professional identity is the second theme that I identified during my analysis and which I address in the next sections.

5.3 Professional identity

Within this theme, I found three sub-themes which I will address in turn (see Figure 5.1). I refer to professional identity as how individuals relate to a professional group with which they are associated (Pratt & Foreman, 2000; Elsbach, 1999). I chose to include both group identity and role identity as separate theories in my understanding of professional identity. This is because social identity theory focuses on the meanings associated with being a member of a group while role identity theory focuses on the meanings pertaining to performing a role (Burke & Stets, 2009). I argue that the participants in my study can distinguish between their social identity (as members in a professional group of family law practitioners) and their role

identity (as family law practitioners). I now address the sub-theme of role identity.

5.3.1 Role identity

Eight of my participants discussed their professional identities as family law practitioners. Some of them identified more with their roles as family law practitioners, than their social identity as a member of the legal profession. Charles felt strongly about his professional identity. As he said,

"I don't think there is any point in being something you're not and if they expect me to do that then they're with the wrong person".

Charles seemed to identify with his role as a family law practitioner to the extent that that was his profession. Matt, on the other hand, believed that in supporting his clients emotionally, he was fulfilling his role as a sympathetic family law practitioner. He explained,

"So, you can give them the support if they need but if they don't then you can be practical if that's what they want. And then be able to switch emotions off and get on with the job actually".

I can appreciate, as Stryker (1987) has observed, that some participants identified with their roles as family law practitioners as such roles hold a defining characteristic of who they are as practicing family law professionals.

My participants' professional identity as family law practitioners influenced their professional behaviour with clients. Jason managed expectations and was honest with clients because he believed that those were important professional traits for a family law practitioner. In the same way, Madeline remained calm and reassured her clients since she believed that these were key traits in her professional role as a family law practitioner. Matt, on the other hand, perceived his role as a family law practitioner to be client focussed and that as a lawyer he was influenced, "very much by what my client needs". These actions indicated that my participants identified with their roles as family law practitioners. They were clear about what they perceived was expected of them in terms of professional behaviour and attitudes. This clarity of expectations stems from extensive socialisation into the profession which starts in law school. Next, I discuss the second sub-theme of group identity.

5.3.2 Group identity

Other participants saw their group identities as members of the legal profession in a different light. They based their professional identities on their professional experiences. For example, Jessica, Jason, Matt and Mary told me that they adopted approaches with clients that they did not believe aligned with organisational or professional objectives. This misalignment between professional identity and organisational objectives reveals an issue for family law practitioners. Where such misalignments exist, one can begin to see the difficulties a family law practitioner may face when deciding which display rule to satisfy. In situations in which professional identities do not align with organisational objectives, a family law practitioner may experience inter display rule conflict. This was the case for Jessica who explained that she took,

“more of a personal approach, a professional approach and at what point does it become more personal and less professional? I don’t know”.

Other participants indicated that they perceived a difference between using a natural approach compared to a professional approach with clients. When Mary adopted a professional approach over a more familiar and informal approach as desired by her clients, her choice was influenced by her professional identity. She believed that it was essential to maintain professional boundaries in her profession. Again, her personal expectations, which originated from her professional identity, controlled her choices. She said that she felt she should be able to say to clients that, *“I’m not your friend”*. She believed that in relation to clients, “there definitely needs to be some distance”.

Regardless of whether my participants identified as family law practitioners or as members of the legal profession, they focussed on the meanings they associated with being a member of the profession (Burke & Stets, 2009). As such, they negotiated their professional identities as social identities by association with the profession to which they belonged. However, bearing in mind that one’s beliefs can have a pivotal role in influencing one’s perspective of one’s identity, it stands to reason then, that my participants drew from their professional beliefs as they negotiated their professional identities. In this way,

they were able to distinguish between their role identities as lawyers and their personal identities as child, friend, sibling, spouse, parent, member of clubs, and so on. Professional and role identities can be aligned or discordant. My participants often expressed a certain degree of discomfort when their role identities and professional identities were not aligned. Notably, those participants who did not distinguish between their professional and personal identities had no similarities in terms of their demographics. In fact, they did not have the same position or number of years of experience in the firm, nor were there any other similarities among them. I can appreciate that as my participants aligned with the various forms of expectations, they have selectively embraced appropriate characteristics which together have moulded their professional identities. This led to the next sub theme of professional identity conflict, which is now discussed.

5.3.3 Professional identity conflict

Some participants discussed scenarios in which they experienced role identity conflict as a result of inter display rule conflict. According to Katz and Kahn (1966), Role Theory refers to the roles within an organisation and the interaction between roles and the impact they have on achieving organisational goals. One assumption underpinning Role Theory is role-conflict (Parker & Wickham, 2005). This assumption states that conflict will arise when role expectations embedded in one role conflict with the expectations associated with another role (Miles & Perreault, 1976). Olivia and Madeline are examples of employees who experienced role-conflict. As partners in their respective firms, they both had a managerial role and a fee earning role and as such, were expected to comply with different display rules. Furthermore, as partners they acted as supervisors, whereas as fee earners, they acted as subordinate. Olivia described circumstances when she had to alter her emotions to deal with subordinates as she executed her role as a partner. She explained that,

“In my role as a partner and head of department I obviously have to deal with colleagues in different ways depending on their personalities as well to get the best out of them”.

Similarly, Madeline cited instances where her role as fee earner conflicted with her role as partner. She identified strongly with her role as family law practitioner and said,

"I've got a strong moral core so that means I'm probably not like doing what the firm wants me to do".

Other participants, who were not partners, discussed other types of role identity conflict. Such conflicting role identities centred on their identity as a colleague and as a subordinate. Emily is a good example of role-conflict as she battled between fulfilling the role of an aggressive fee earner with that of a calm and friendly fee earner. She reported that she struggled daily to reconcile her identity as colleague with that of subordinate. Emily felt that her beliefs and work ethics conflicted not only with those of the firm but also with those of her colleagues.

Emily identified more with her role as a paralegal, rather than her group identity of a member of a firm with a reputation for being aggressive. She admitted that she struggled to align her role identity and her group identity. Furthermore, it appears that although Emily's overall professional identity comprised these two identities, she was able to assign prominence to her role identity at the expense of the other. Clearly, she felt that the values of the organisation and those of her colleagues did not align with her own values. Emily struggled with this misalignment to the extent that she eventually left the profession. She recalled that the pressure to conform and the unhappiness she felt as she recognised that she had to go against her norms and values led her to the point when she thought,

"I don't want to do this anymore. It's not me".

My impression is that Emily experienced identity interference. Identity interference occurs when one minimises one's values and morals to fit in with the wider culture (Settles, 2004). In Emily's case, she needed to minimise her own values and morals to fit in with the wider culture of the organisation within which she was a paralegal. Emily found that embracing and believing the aggressive and corporate values held by her colleagues and embedded in the culture of the firm, was difficult for her. Thus, as Burke and Stets (2009) and

Stryker and Burke (2000) note, when Emily's multiple identities came into conflict and identity interference occurred, her professional identity as a paralegal prevailed as she regarded it with a higher level of prominence. In Table 5.3 below, I provide a summary of the professional identity of my participants as well as a reminder of the participants who experienced display rule conflict in the role.

Participants	Professional identity		Experiences of display rule conflict
	Role identity	Social identity	
Charles	Yes	Yes	None reported
Emily	Yes	No	Inter display rule conflict
Judy	Yes	Yes	None reported
Madeline	No	Yes	Inter display rule conflict
Jessica	Yes	No	Inter display rule conflict
Matt	Yes	Yes	Inter display rule conflict
Mary	Yes	Yes	None reported
Jason	Yes	Yes	None reported
Ann	Yes	No	None reported
Olivia	No	Yes	Inter display rule conflict

Table 5.3: Experiences that shaped participants' professional identities

When I interpreted my data, I found that some of my participants had compartmentalised their various identities. Some participants noted a strong sense of role identity as family law practitioners while others reported a greater affiliation with their identities as members of the legal profession. Furthermore, some participants reported that they experienced conflicting identities which depended on how many roles they fulfilled or the level of power they wielded in their firm. I argue that such role conflict led to perceptions and experiences of inter display rule conflict. I can appreciate that I would need to conduct further studies to enhance my understanding of the role of professional identity in display rule conflict among family law practitioners. Regardless of the professional identity of my participants, they needed the support of their colleagues to recognise any display rule conflict they might have encountered and find ways to cope with it. This led to the development of the third sub-theme, support by offloading. This is developed in the next section.

5.4 Support by offloading

There are two sub-themes associated with the theme of support by offloading. The first sub-theme is offloading and the second is learning (see Figure 5.1). Learning, here results from support and membership in a community of coping. Because of the complex nature of learning, I have grouped the sub-theme of learning due to display rule conflict with the sub-theme of learning from support and membership in a community of coping, as my fourth theme. The sharing of experiences and ideas come together to form the concept of offloading which I address in this section.

All my participants reported that purging or offloading helped them to cope with experiences they encountered daily as family law practitioners. Participants discussed notions of sharing or unloading either negative or positive experiences that result from their interactions with stakeholders. Participants also discussed forms of informal support that stemmed mainly from interactions with other colleagues. I gleaned that my participants learned from, gained, and shared knowledge with each other when they discussed experiences and shared ideas. In the next section, I address the first sub-theme of offloading.

5.4.1 Offloading

The sub-theme of offloading encompassed discussions surrounding offloading to colleagues, offloading at home, offloading and mental health, offloading being discouraged, offloading conflict, offloading and lack of support, and offloading as coping. All participants spoke of offloading at work as a means of dealing and coping with intra and inter display rule conflict. I interpreted my participants' account of offloading at work and at home as a form of support. My participants intimated that they used the opportunity to talk to colleagues or family and friends as a means of support and improving their mental health. They discussed offloading as a way of coping and seeking comfort during periods of stress or uncertainty. My participants chose various ways in which to engage in informal discussions with colleagues at work. As Charles put it,

“there are certain colleagues that I work with who would be able to let off steam”.

Matt explained that he,

“certainly, thinks everybody in the team and this holds true for all other firms I’ve worked in, you know people will come over to your desk and rant for 10 or 15 minutes and it’s not wasting time. That’s actually productive time”.

Participants, such as Jason, reported positive outcomes when they discussed offloading with colleagues. He said,

“it gives everyone a sense of comradery and teamwork”.

Matt also felt a sense of reciprocation as he,

“vented to my co-workers who are happy to sit and listen because they have the same expectations the other way around”.

Madeline also reported that offloading provided a sense of relief. She pointed out,

“knowing that more experienced people are in the same boat that makes you feel a lot better”.

I can appreciate the actions taken by my participants given my own experience. I also became involved in reciprocated discussions about positive and negative aspects of a case as well as general discussions about matters not related to my practice. I felt that these discussions enabled me to de-stress or certainly improve my mood at work. From my own experience, I can appreciate that workplace social support in the form of offloading can be of great value.

Although most of the participants discussed offloading with colleagues, some of them offloaded at home with family. Judy revealed that she,

“would probably come home and have a rant at home”.

While Jason informed me that,

“my missus is also a divorce lawyer so she’s a prime person to go and have a rant to at the end of the day”.

Emily, on the other hand, would offload both at work and home since she felt that,

“if it’s not from colleagues then from a supportive person at home”.

Offloading in this way is in line with literature surrounding the notion that friends and spouses are good substitutes for workplace social support (see Carlson & Perrewe, 1999; Greenhaus & Parasuraman, 1994). I found it interesting that my participants saw offloading as a benefit for their well-being. They appeared to value offloading especially if they were unable to offload either at work or at home. Charles acknowledged the value of offloading and explained that,

“you’ve got to be able to do that or it will affect your health”.

Ann, who is no longer in the profession, said that at one point she became concerned about the routine she had adopted which did not enable her to offload. She said that,

“there was a time where I was going home at like 9 or 10 at night and not even really having time to offload at home and just literally falling asleep and then getting up and going back to work and that was a really horrible period of time”.

In discussing her own mental health, Ann was concerned by the level of stress and pressure she felt as a newly qualified family law practitioner. She said,

“I think at that time actually there was a difference to my health, and I don’t know if this was true but the only time, I had ever been to hospital was at that time”.

Ann began to seek comfort and support in offloading to colleagues who had similar roles and positions as she had in the firm. She said,

“Because we were all new and we didn’t know what we were doing we had to rely on each other and it was then when no one was particularly kind to us....So, I don’t know how I would have ever progressed through that and I don’t know if my personality was enough like what was expected of me to survive”.

When other participants discussed the value and benefit of offloading at work or at home, they used expressions such as “counselling”, “vent” and “therapeutic”. Words such as these demonstrated to me that my participants valued the health benefits they received from offloading with colleagues.

Participants reported that they tended to offload at work with colleagues within informal communities. When I asked them to clarify what they meant by 'informal', they informed me that they considered offloading as part of the legal

subculture in their firms rather than a culture that was stipulated in a set of policies. Participants wanted to avoid offloading as an item on meeting agendas since that would cause them to feel uncomfortable. Most participants informed me that if offloading became a formal custom, they would not be inclined to use it. Judy felt that it was,

“... far better if its informal. Definitely. Cause I think if anything like that was ever formal, I would never have raised it”.

Jason also felt reluctant to formally discuss his emotions at work. He said,

“because if you put on the agenda ... I think that would cause 'murph' (protest)”.

There was a degree of distrust between legal practitioners and their supervisors. Interestingly, the participants in my study generally did not perceive their supervisors as a source of support. Nevertheless, they did feel that they could access support through interactions with co-workers. Some participants explained that their reluctance to seek support from supervisors at work stemmed from fear of the consequences of being open and honest with management. For instance, Judy said,

“if it's something formal there is a fear that something is going to get recorded or its going to be kept in your record that it's going to be used in some way...I don't know if that sounds irrational but that's how I feel”.

Matt shared his reservations about talking openly and formally about his emotions at work and explained that he chose to be selective in terms of to whom he chose to speak in this way,

“if its kept informal, then people can share with who you choose to and that can be helpful because there are some things, I would share with some colleagues but not others”.

In fact, some participants described supervisors and management as unsupportive and, in a way, watching and waiting for them to make a mistake. Madeline informed me that her firm dealt with an issue in a manner which led her to believe that management failed to demonstrate concern for an employee's needs. The poor handling of this situation led Madeline to feel uncertain about her own fate in the organisation, and ultimately, it influenced

her feeling that she could not seek support from management. She expressed fears that,

“Anybody who’s got a position of power could turn around and make you redundant and without following any kind of procedure. So that really puts you on edge”.

Not all participants were encouraged to engage in informal discussions. The participants who did not feel that they were able to engage in informal discussions at work spanned across all levels of experience and roles including partners. For some participants, the lack of opportunities for informal discussions or offloading in their firms influenced how they felt at work. They reported that it left a negative impression of workplace support. Jessica commented on the disapproval she felt if she engaged in discussion with colleagues,

“This boss used to run his firm with an iron rod. I’m telling ya. You used to feel guilty taking your lunch break”.

Matt had a similar experience as he recalled that,

“it wasn’t the case that it was discouraged – it was almost the case that it wasn’t a possibility almost. There was no human interaction really”.

Jason was the only participant who appeared to appreciate why management discouraged informal discussions at work. He explained that,

“if I’m ranting then I’m not doing the work that’s on my desk, so it means I’d have to leave later”.

Furthermore, Jason continued,

“I work long enough as it is without having to waste the time that I am here”.

I interpreted Jason's response as he felt that engaging in informal discussions at work were a waste of time at work. However, he also discussed the benefits of being able to offload at work. He noted that it was, “a natural way to de-stress”. He further suggested that offloading at work, “gives everyone a sense of comradery and teamwork”. Additionally, Jason also perceived that offloading was therapeutic in that,

“it’s a helpful process to have a quick rant and get that out of your system, process that emotion and then get on with your work”.

Similarly, Ann recalled when she was a trainee solicitor and felt totally unsupported by supervisors and management. She said,

"...there was nobody to say anything to or to hear me or anything".

Ann explained that she did feel lucky to have shared an office with two other trainee solicitors. She felt that her two co-workers helped her to get through this initial period. She said,

"...we had to rely on each other, and it was then when no one was particularly kind to us".

Most of my participants agreed that they tend to offload and seek support from colleagues and co-workers rather than supervisors. Furthermore, participants felt that the opportunity to offload either at work or at home provided the best way to benefit from offloading. It is unknown how this lack of support has hindered or influenced the participants' levels of stress or subjective well-being at work. Interestingly, my findings do not reflect those found in literature. I further discuss the notion of lack of support in the next section when I address the participant's inability to offload at work.

5.4.2 Inability to offload

A few participants discussed instances where they did not perceive that they were encouraged to engage in social support at work. Participants tended to associate negative feelings with these experiences. However, despite this perception, most participants did engage in social support with co-workers which they found valuable and a beneficial coping mechanism. Unfortunately, this was not the case with Emily.

Emily's experience in relation to offloading at work was unique among my participants and as such, I treated it as a case study. Emily described a tension or conflict when she discussed offloading at work with both co-workers and supervisors. Emily perceived a great degree of pressure to not only meet financial targets but also to uphold the firm's reputation. Emily reported that many times she felt scared and anxious at work because of the pressure. She recalled that in dealing with cases involving children, she felt able to offload with colleagues as she was confident when dealing with such cases. However, because she felt less confident with financial cases, she refrained from

seeking support when she experienced difficulties. She explained that this was because she did not want to appear as though she lacked confidence to address such issues to her co-workers or supervisors. She said, discussing her involvement in financial cases,

“if the result wasn’t in our favour going back and having to explain to 3 senior people (laugh) on my own (laugh) was never a pleasant thing”.

Here, Emily began to talk about the difficulty she had in offloading with colleagues with whom she did not align professionally. She noted that her colleagues all believed in the firm’s aggressive nature which felt uncomfortable to her. Emily admitted that she would share experiences with positive outcomes to colleagues to maintain her self-image. As she said,

“Yes, I would limit it. I’ll be honest with you. I would limit it. Yes. I would limit it I mean there were some things that you couldn’t say. There were times when I went back, and I knew that I would be criticised”.

In circumstances when Emily could not offload properly at work she would offload at home with her husband. Emily's husband is also a lawyer however, in a different area of law, so she felt able to offload with him as it was unlikely there would be any conflict of interest. She explained that not being able to offload as she did in other law firms negatively influenced her mental health at work. Therefore, Emily left the profession. She emphasised that her decision to leave did not come from the pressure or stress to perform, but from the lack of support and relationship with her colleagues. As she noted it was, *“the people that I worked with”.*

Emily's experience of offloading was different from that of other participants. She was afraid about the impression she conveyed to her co-workers and supervisors. Emily tried to mask her emotions and portray herself as someone whose culture is aligned with the culture of the organisation. Ultimately, she engaged in substantial and prolonged use of surface acting.

This finding is interesting in that it suggests that practitioners, in seeking social support may, disguise their experiences in cases when their professional identities did not allow them to align with the organisational culture. This leads to tensions in social support in which some participants described experiences

of dilemmas when choosing to engage in social support. They had the dilemma of deciding the level and type of information they should share with co-workers. Tensions in social support will be discussed in the next section.

5.4.3 Tensions in social support

Some of the participants in the study reported that they made strategic decisions about how much, and to whom, they would offload. It appears that these participants were conscious of the power dynamics within their firms and that they were aware of the inherent organisational politics. For example, Charles chose to offload solely with other partners in the law firm and not his subordinates. Charles made a distinction between partners with whom he would offload and his subordinates whom he managed. Clearly, Charles was demonstrating organisational politics involving notions of power and strategy.

Matt, on the other hand, expressed his reservations about offloading at work and explained that he practised selective offloading, but in a different way. He said,

“...there are some things I would share with some colleagues but not others”.

Matt was implying that for political and strategic reasons he would filter the type of information he shared with colleagues. Then again, Emily spoke candidly about limiting her discussions with co-workers and supervisors since she valued their opinions about her professional standing. It appears that some participants used social support as part of their strategy to create or maintain positive impressions and to build networks to foster progress in their professions.

I summarise my findings from this theme in Table 5.4 below. Here, I demonstrate the type of offloading in which my participants engaged as a result of display rule conflict. Further, the table encapsulates the positive and negative experiences my participants reported when they sought social support. Interestingly, all but two participants, Charles and Olivia, both of whom are partners, experienced tensions in offloading. In my study, not all

Participants	Type of offloading	Effects of support by offloading		
		Positive effects	Negative effects	Resulting tensions
Charles	Informal	With partners at work	No	No
Emily	Informal	At home	With colleagues	Yes
Judy	Informal	At home	With colleagues	Yes
Madeline	Informal	Some colleagues	With management	Yes
Jessica	Informal	Some colleagues	With management	Yes
Matt	Informal	Some colleagues	With management	Yes
Mary	Informal	At home	With colleagues	Yes
Jason	Informal	At home	With colleagues	Yes
Ann	Informal	With colleagues	With supervisors	Yes
Olivia	Informal	With colleagues	No	No

Table 5.4: Participants' experiences of support by offloading

participants had positive experiences of social support. The findings could explain why some participants in my study were reluctant to seek social support from colleagues and management. Given that not all participants felt the same way about offloading, I question the motives of those employees who found and arranged communities of coping.

It seems to be that communities of coping could have both positive and negative influences on those who engaged in them. However, the extent of the experiences may be contingent upon my participants' motivations for engaging in social support whether it is to de-stress or for professional development. The level of influence of communities of coping may depend on how my

participants perceived workplace social support. For some, perceived organisational support may enhance favourable attitudes and behaviours towards such a community by my participants. One needs to bear in mind that social support is also influenced by the culture of the organisation. As such, culture may, or may not, be conducive to the formation of communities of coping. However, the learning that can emerge from such a community can, not only lead to professional development through learning and identity renegotiation but can also influence positive and negative well-being at work. I now address the last theme, learning, that I identified from my analysis of the data.

5.5 Learning

Learning resulted from professional expectations and support. As I have indicated earlier in this chapter when I discussed the other three themes, learning was closely interwoven in my participants' experiences of display rule conflict and how they coped (see Figure 5.1). I isolated the ways in which my participants engaged in learning as I analysed my data. These are learning from more experienced others and learning through training each of which I treated as sub-themes. As I address the sub-theme, learning from more experienced others, I present how my participants learned from the experiences of others as well as how they learned because of their own inexperience. Furthermore, in addressing the sub-theme of learning through training, I focus on notions of formal training, on-the-job training, and no training. Threaded through each of these sub-themes is learning within a community of practice whether it is from more informed others or through training. Communities of practice can be defined as informal, social modes of workplace learning (Lave & Wenger, 1991). Notably, from here on, I will use the expressions community of practice and community of coping interchangeably as they can both be considered as communities in which learning takes place. I illustrate the relationship between the two sub-themes of learning and how they are achieved in Figure 5.2.

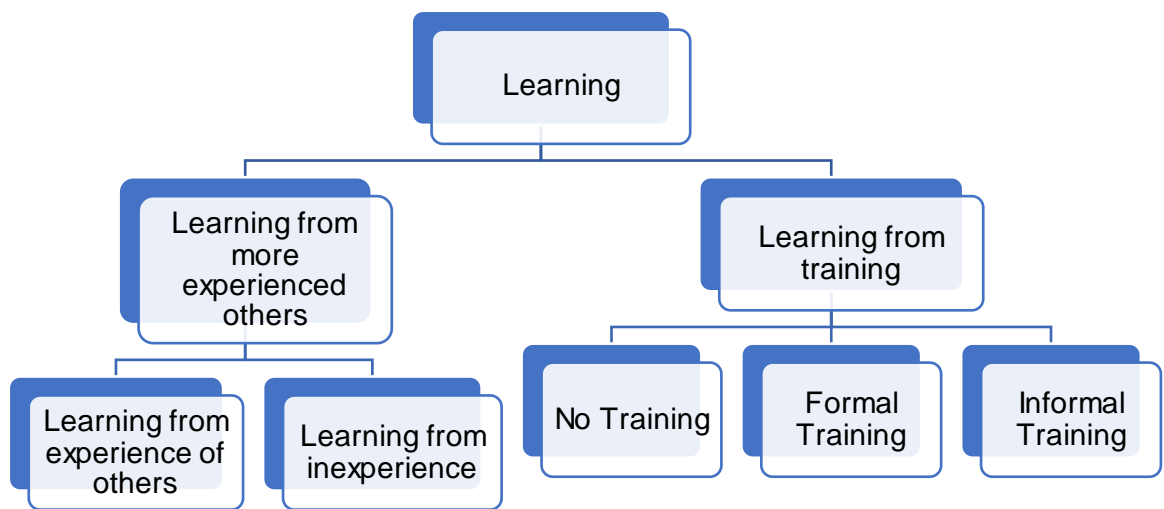


Figure 5.2: Learning theme and sub-themes

When law firms employ legal practitioners, they provide formal and informal training for these practitioners so that they become familiar, not only with the nuances of the legal profession, but also with those unique to their specific law firms. Modes of learning such as from more experienced others and training help legal practitioners to negotiate their professional identities which in turn can influence how they may interpret the expectations they face when interacting with stakeholders. In the next section, I discuss learning from more experienced others.

5.5.1 Learning from more experienced others

I clustered codes relating to experience as described by the participants and categorised them as learning from more experienced others. My rationale for including this mode of learning was because my participants discussed learning through interactions with other colleagues that led to their understanding of how to deal with high level of emotions as family law practitioners. All participants said that they learned how to display and manage their emotions at work through observing or shadowing more experienced practitioners. Madeline, “*learned through observing*”, while Jason felt that,

“you just pick that up from how other professionals present themselves”.

Ann concurred with Jason and Madeline when she told me that,

“you see how it works with other people don't you”.

This type of learning can be described as learning through modelling since most behaviours that people display is learned from following the example of others (Bandura, 1977).

Some participants said that they gained confidence in how to use and display appropriate emotions when interacting with stakeholders, through learning from those with experience. Participants who claimed confidence implied that they felt reassured that their approach was correct. According to Madeline,

“I'm probably not a different person just a lot more confident”.

and Judy thought that,

“as you grow you gain more experience and confidence and that changes things”.

Four participants attributed their confidence to having life experience. Life experience for the participants included life events such as marriage, divorce, and having children. Charles attributed life experiences to his age when he said,

“I'm a bit older because when you're a bit older people have an expectation that you have a better understanding about the way things are and you will have had similar experiences”.

Thus, life experience coupled with confidence appeared to enable some of the participants to engage in dialogue with colleagues and share experiences.

It appears that some participants in my research experienced forms of institutionalised socialisation in their first few months in their firms. They recalled engaging in induction programmes which included specific information on appraisals. Other participants remembered being attached to someone (mentor) to whom they could shadow and ask questions. Some participants also remembered forms of individualised socialisation during which they experienced more informal training at work. Ann was one such participant who recalled that she had an, “easy working relationship” with her

boss. This professional relationship enabled Ann to develop her role independently. This experience was distinctly different to that of trainee solicitors who had started at the firm at the same time. I can appreciate that learning in this way is a formal type of training in which my participants recognise display rule conflict either through institutionalised socialisation from someone in a superior position or individualised socialisation on their own.

5.5.2 Learning due to inexperience

It appears that some participants engaged in situated learning. In this way, learning took place within a community of coping which, as I have indicated previously, can be compared to Lave and Wenger's (1991) community of practice which are social modes of workplace learning. My participants felt that they learnt in this way because they were inexperienced. Some participants noted that their inexperience led them to learn how to manage and use emotions at work as they interacted with their colleagues and shared ideas on how to recognise and apply the various display rules. Matt explained that he was aware he became inflexible if he felt that he was being challenged by clients. This informed knowledge about himself helped Matt to realise that if he learned new ways and techniques from colleagues, he would not be at risk of appearing inflexible to clients. This form of learning was a clear example of Matt learning from colleagues within a community of coping. As he explained,

"it took a lot of people pointing out to me that there is a better way of doing it really. So, it took a lot of peer review to say that there are better ways of doing it. And once you've been immersed in it for so long then you just do it".

Matt has recognised that he engaged in both cognitive and situated learning within his community of practice. He was able to develop and hone his professional practice to enhance his self-efficacy so that he could execute his new behaviour with confidence. Most participants reported that they engaged in discussions within the wider community of legal practice in their firms. They found such interactions to be beneficial and useful. However, one cannot say that learning in a community of coping is ideal. As with any gathering of people, a certain degree of conflict existed in the communities in which my participants found themselves. I now turn to discuss conflict within communities of coping.

5.5.3 Conflict within communities of coping

Participants referred to using techniques of 'trial and error' as a means of discerning which strategies associated with emotions to utilise and adopt. I found it interesting that my participants hesitated when I asked them how they learned to use emotions when dealing with stakeholders indicating that they perhaps had not given a great deal of thought regarding how they use emotions. Participants appeared to have had an unofficial understanding that managing emotions was something they were expected to do without any formal training. As Matt indicated when he discussed how he learned to use emotions on the job,

"it's more a matter of finding your feet and getting on with it really".

They gave the impression that they relied heavily on communities of practice to gain an understanding and grounding regarding culture and emotion management. A case in point was Emily.

I refer to Emily again as a special case study among my participants as she experienced conflict with the community at her firm. When she moved from her previous firm, she felt out of place and believed that her values and beliefs did not align with those of her new firm. Although Emily brought her values and understanding of relating to, and dealing with, clients she found it difficult to adjust to 'how they do things' at this firm. She even adjusted her work habits regarding displayed emotions since,

"I didn't want to also let the team down. I think that's the thing I didn't want them to think I was weak or a wimp, but it didn't sit naturally to me".

So, despite her high level of self-efficacy in relation to emotion work strategies, she felt inadequate because of conflicting cultural values between herself and members of the community in which she worked. This difference in cultural values prevented her from fully engaging with, or contributing towards, that community of practice. It appears that Emily's professional identity prevented her from aligning with the ethos of her new firm or with the community of practice to which she belonged. Eventually, Emily chose not to participate in the community of practice at all and left the firm.

Emily's experience mirrored the conflict I identified within communities of practice among the legal practitioners. Emily did not feel that her professional identity, as developed within previous communities of practice, aligned with the role and practice she was expected to adopt in her last firm. During her interview, Emily explained that she contributed marginally to the community by only sharing her positive experiences at court. Such a behaviour on Emily's part indicated peripherality as mentioned by Lave and Wenger (1991). In some cases, a new employee can experience a conflict within a community of practice which may be due to peripherality as they are less involved in the community (Wenger, 1998). This was the case with Emily. I understand that the culture in the last firm where she worked simply did not align with her own values. She experienced a conflict in relation to her role, her practice, the community of practice, and the culture in the firm. She felt as an outsider. She could not 'do things' as the others 'did around' there.

I have discussed learning by experience and within a community of practice in which my participants engaged. Learning in this way contributed to my understanding of the display rule conflict that my participants experienced. However, I also identified other forms of learning due to training which I now proceed to discuss. In the following section, I draw attention to learning through training in which the concept of community of practice or coping looms large. One cannot escape the important role of a community of practice or community of coping. The outcome from such an experience appears to be the same.

5.5.4 Learning through training

In this section, I address the second sub-theme of learning through training. Within the sub-theme of learning through training, I will discuss my findings in relation to no training, formal training and informal training in turn.

5.5.5 No training

All participants indicated that they did not receive formal training on how to use or manage emotions when interacting with stakeholders at the start of their careers. Some participants believed that training early on in their careers would have assisted them in managing emotions at work. As Jason said,

"I think if you teach that at the start and they get that at the start then it would be easier to manage emotions".

Charles also felt that, *"you should get training of that nature as part of your undergrad because, it's a key skill"*. He felt that training about emotions would be useful because,

"family law practitioners don't all have natural ability to manage emotions".

Other participants felt that the lack of formal training with respect to emotions on the job contributed to their sense of inexperience early on in their careers. These participants were aware of their inexperience pertaining to practical aspects of practising law because they were new to the career. However, the same participants felt that the absence of formal management training on emotions also influenced their self-confidence when interacting with stakeholders. Some of the participants recalled that they had to deal with people's messy emotions and with emotionally loaded situations that impacted on someone's life. The responsibility of managing others' emotions was perhaps a factor that some participants did not fully appreciate. Judy said that the lack of training about managing emotions made her feel,

"inexperienced in junior days".

As Jason stated,

"it's a key area missing in training particularly in new staff".

Participants clearly felt that some level of emotion work training would have been beneficial to them, particularly as they started their careers. I now discuss learning through formal training.

5.5.6 Learning through formal training

Five participants acknowledged that they received some formal training on how to manage their emotions generally in their role as a family law practitioner. However, none of the participants indicated that they received any prior training at work regarding managing their emotions. Charles, who is both a trained family mediator and a trained collaborative lawyer, explained that mediators receive training on managing client's emotions. These mediators

need to be neutral in proceedings which is unlike what is expected of legal practitioners who represent clients. Charles noted that the mediation training provided him with a sound understanding of the complexities of client's emotions. Other participants noted that they attended courses on areas such as emotions early on in their careers. However, these courses did not include emotion management skills. Matt and Olivia both described such courses as "soft skills". Jason indicated that he,

"did go on a course which talked about remaining calm under pressure".

However, he did not consider such forms of training as formal in relation to emotions. Although some participants received formal training, the message received was that managing emotions was a 'soft skill' and not one that needed to be explicitly taught. Next, I discuss learning through informal training.

5.5.7 Learning through informal training

Informal learning occurred in several ways. A few participants noted that offloading was one method through which workplace learning took place. I interpreted this type of learning as informal. Another way in which informal learning occurred was through casual conversation with co-workers. Lastly, my participants engaged in informal learning mostly by joining informal groups and sub-groups in their firms. The participants in my study all discussed engaging in informal discussion at work with co-workers as a means of coping. I surmised that these reports by participants indicated social learning as advocated by Bandura (1977) on mentoring, and Wenger (1998) on communities of practice.

My participants discussed scenarios in which they sought advice from experienced members of their team in relation to a technical issue. In these instances, they admitted that they were looking for advice with the intention to learn. As Olivia explained,

"there was a lot of shadowing where I learned how to handle clients and show empathy by witnessing how the different partners within the firm dealt with it".

As an example, some participants learned about the implementation of increased court fees for divorce petitions in this way. In each of these instances, learning and knowledge sharing were by-products of offloading. My participants also reported that they engaged in discussions in groups or communities of practice whereby they learned about the firm's culture such as language, dress code, expectations and behaviours. These were instances when my participants were not aware that they were learning. Such learning is referred to as incidental learning whereby the learner did not intend for learning to take place but after the event, learning did occur (Schugurensky, 2000).

Matt noted that informal discussions with co-workers not only helped him to cope with stress, but he also felt that it was time well spent. He recalled that,

"That's actually productive time. Sometimes it helps you to get your thoughts straight so that you can get the case right".

Matt also noted that he utilised informal discussions with colleagues as a means of gaining ideas about his cases. He said,

"And sometimes it's not just a case of knowledge...you may know that answer. It's about needing to be able to get it out there and bounce ideas off a colleague to know that it's the right course of action in the case".

Although informal discussions may be welcome among family law practitioners, it may not be so from a management perspective. As such, there appeared to be misperceptions between family law practitioners in my study and management.

5.5.8 Perceptions regarding informal discussions

My participants perceived a difference in attitude from management about offloading with co-workers and having information discussions regarding work-related issues. It seemed that some participants felt that it was acceptable to discuss a technical work-related issue, as opposed to feelings or experiences. They noted that technical work-related queries were often an item on the team meeting agenda. However, the notion of discussing work-related issues was more prevalent in interviews with participants at partner level. In other words, paralegals and solicitors perceived that they were frowned upon for offloading

with colleagues during work hours. Yet, some of the partners, whom I interviewed, told a different story. For example, Olivia, a partner, discussed the need to create a culture at work where informal discussions were encouraged. She noted,

“...because otherwise you're not going to be productive which could mean time off ill or off work and it also might be something others can learn from”.

Olivia also described routine situations where family law practitioners may have had a negative experience at court. She noted the benefit to other colleagues if these experiences were shared. She said,

“for example, if you go in and the judge gives you a hard time about something then often your opponent may come out and actually be quite sympathetic because they think by the grace of god that could have been them, so they learn from that experience as well”.

It is clear from Olivia's interview that she welcomed the practice of offloading and sharing ideas and experiences. Interestingly however, subordinates (i.e. solicitors and paralegals) did not feel comfortable offloading freely at work. This may be evidence of misalignment between what manager's espouse and organisational culture.

Once again, I refer to the example of Emily's experience. She experienced conflict when she engaged in communities of practice at her firm. Emily said that every day she felt anxious and scared of her co-workers' and supervisors' perceptions of her. She worried about engaging in informal discussions with them following court hearings. Emily perceived that due to the firm's aggressive culture, her colleagues would have had no empathy or support for her. Emily felt betrayed and that she could not trust her colleagues. When I asked Emily about experiences of communities of practices in other law firms for which she worked she noted a substantial difference. In those firms, she felt that she was able to discuss and communicate her feelings. She said,

“And you are in an anxious mode when you're in court and the relief when you are back and the relief and the adrenalin starts working through and you've got heightened emotions that you've got and you just need someone to say 'oh I understand' you know”.

Based on Emily's candour in her interview about her insecurities within the community of practice, it may be possible that other practitioners might have

also altered or restricted what they shared in communities of practice depending on their positions within that community in order to maintain positive perceptions from colleagues.

In Table 5.5 below, I summarise my findings for various forms of learning. My findings here indicate that my participants felt that they did not receive adequate training about the use of their emotions. However, some participants confirmed that they did receive some formal training during their career. Such formal training either came in the form of short courses on soft skills training or more extensive courses relating to mediation qualifications. There are five participants who indicated that they have never received any formal training relating to the use of emotions at work. Finally, all participants felt they learned how to manage emotions at work through informal training including shadowing, mentoring and observing more experienced colleagues. Most participants noted that they, and other family law practitioners, would benefit greatly from emotion work training at an early point in their careers. Interestingly, although all participants engaged in informal learning, there appeared to be a disconnect between the paralegals and solicitors on the one

Participants	Learning by formal training		
	No training	Formal training	Informal training
Charles	Not initially	Mediation training	Yes
Emily	None	No	Yes
Judy	None	No	Yes
Madeline	None	No	Yes
Jessica	Not initially	Mediation training	Yes
Matt	Not initially	Soft skills training	Yes
Mary	None	No	Yes
Jason	Not initially	Training on remaining calm	Yes
Ann	None	No	Yes
Olivia	Not initially	Soft skills / Mediation training	Yes

Table 5.5: Participants' experiences of learning sub-themes

hand, and the partners on the other with respect to informal learning. The paralegals and solicitors whom I interviewed felt that it was acceptable to discuss a technical work-related issue with colleagues, as opposed to feelings or experiences. The partners whom I interviewed felt they had helped to create cultures where informal discussions were encouraged. I surmised that this disconnect could be evidence of misperceptions at work.

In this chapter, I synthesised my findings as they related to each participant to provide insights of each family law practitioner's experiences of display rule conflict. In this way, I was then able to explore how they dealt with such conflicts. It is noted that such experiences and coping mechanisms represent the participants' views at the time of this study. I presented my findings in terms of the four themes I identified. These themes were expectations, professional identity, support by offloading, and learning. I found that learning occurred regardless of the theme I isolated. The themes of expectations, professional identity, support by offloading and learning all frame my research questions which afforded me the opportunity to explore experiences of display rule conflict and how they chose to cope with such conflicts. In the process, these themes facilitated my quest to realise two of my research objectives. In the next two chapters, I present more in-depth discussions regarding my findings and how they contribute to answering my research questions. In order to demonstrate the depth of the experiences of family law practitioners in my study, I do repeat some quotes from my participants. In chapter 6, I address my first research question and in chapter 7, I address my second research question. Addressing the research questions separately will enable me to create in-depth and rich discussions about display rule conflict and dealing with such conflicts.

Chapter 6: Display rule conflict: emotional complexities and resulting tensions and conflict

In this chapter, I address my first research question by discussing the emotional complexities, tensions, and conflicts as identified by my participants. My findings in relation to the themes of expectations and professional identity revealed that my participants were describing the emotional complexities of their roles as family law practitioners as well as the tensions and conflicts that can ensue. This chapter is divided into four sections. In the first section, I delve deeper into an analysis of intra display rule conflicts, in which I demonstrate how a display rule can create emotional complexities for a family law practitioner. In the second section, I focus on the intricate nature of inter display rule conflicts and uncover the extent of emotional complexities and resulting tensions and conflicts for family law practitioners as they negotiate complying with several display rules simultaneously. In the third section, I consider how these tensions and conflicts can lead to organisational pain for family law practitioners and how they deal with this pain. Finally, I examine the concept of emotion work as it relates to display rule conflict among my participants. First, as a reminder, I restate my first research question and provide a summary of my objective, themes, experience of display rule conflict and resulting concepts.

6.1 Findings in relation to my first research question

My first research question was: What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders? In Table 6.1 below, I illustrate the relationship between the objective, themes, experience of display rule conflict, and resulting concepts in relation to my first research question.

Objective	Themes	Type of display rule conflict	Concepts
Understand experiences of display rule conflict among family law practitioners	Expectations	Intra display rule conflict	Emotional complexities
	Professional identity	Inter display rule conflict	Tensions and Conflicts

Table 6.1: Relationship between my first research question, objective, themes, and resulting concepts

In the next section, I explore and expose the emotional complexities as well as resulting tensions and conflicts in relation to intra display rule conflict.

6.2 Intra display rule conflict

In this section, I take a closer look at experiences of intra display rule conflict, when conflicts may arise within the same display rule. In the previous chapter, I demonstrated that participants discussed their experiences of conflict when adhering to certain display rules. My participants experienced intra display rule conflict when complying with display rules from the client, the firm, and the profession. I noted that when my participants spoke about expectations, they also exposed a remarkable amount of emotional complexities that are involved when complying with just one display rule at a time. By focusing on professional display rules, client display rules and firm display rules, I will demonstrate such emotional complexities as well as ensuing tensions and conflicts.

6.2.1 Intra display rule conflict from professional display rules

The intra display rule conflict that my participants experienced when complying with professional display rules demonstrates a fundamental demand on the emotional displays of family law practitioners. My participants noted that they were subject to both formal and informal professional display rules. Formal professional display rules encompass professional codes of conduct and practice including the SRA Principles. Such rules provide direction regarding the appropriate display of behaviour and emotion for solicitors. Family law practitioners are further subject to the Resolution Codes of Practice which are

an additional set of principles regarding a non-confrontational approach to conducting family law cases. Informal professional display rules stem from expectations observed during the socialisation process each practitioner will experience both before and during their careers. Additionally, socialisation will continue as practitioners join new firms throughout their careers. Thus, there are a myriad of influences that comprise professional display rules and it is this variety of influences that are open to interpretation from the family law practitioner and could conceivably lead to intra display rule conflict.

Seven participants noted that they experienced intra display rule conflict when dealing with clients. Ann and Madeline felt that they had to be emotionally detached with clients in line with professional expectations from The Law Society. However, in an emotive area of law, the expectation of emotional detachment did not fit with the informal professional expectations they had adopted to be empathetic. Charles noted that it would be undesirable for a family law practitioner to show too many emotions. However, he confirmed that there is a variance in professional expectations to be both emotionally detached and empathetic. Two participants felt that their professional expectation was to behave like a robot in family law cases. They considered such an expectation to be conflictual. As Jason explained,

'I don't think you'd be a very good family lawyer if you were a robot'.

In adhering to their professional expectations, my participants had less autonomy than when they dealt with their clients. They found that not adhering to professional display rules sometimes left them feeling embarrassed or criticised. Herein lies the intra display rule conflict that resulted from the professional expectations that my participants faced. Charles's experience aligns with the literature that suggests that family lawyers should manage client expectations in relation to emotional outbursts particularly at court (Mather, McEwen & Maiman, 2001). Experiences of other participants align with studies that focused on maintaining professionalism with emotional clients (Kadowaki, 2015). My participants were clear about notions of maintaining professionalism, controlling emotional outbursts and managing client expectations.

In the worst cases of non-compliance with professional display rules, legal practitioners can be held in contempt of court, which can result in imprisonment. So, although there is evidence of intra display rule conflict, family law practitioners in my study felt compelled to prioritise professional display rules over other rules. It appears that even though an intra display rule conflict exists, the family law practitioners do not experience such conflicts as a tension since they understand that professional display rules take priority. I now discuss an even greater emotional complexity in intra display rule conflict from client display rules.

6.2.2 Intra display rule conflict from client display rules

My participants reported a range of different expectations imposed on them when complying with client display rules. The family law practitioners in my study indicated that clients expected them to be empathetic and trustworthy which aligns with findings in the literature (Elbers, van Wees, Akkermans, Cuijpers & Bruinvels, 2012). Despite my participants mainly agreeing on certain expectations from clients, three of them noted that clients expected them to mirror their emotions at certain points in the case. Such an example could be displaying negative emotions, such as anger at court or to the other party. One participant, Madeline, indicated that non-compliance of such an expectation could lead to the client becoming annoyed with her. As she said,

“if that anger isn’t supported then they can get very frustrated”

Another participant, Matt, felt that some clients expected him to mirror their emotions throughout the entire case. He noted,

“Some clients I’ve had previously have sort of wanted you to follow their emotions throughout the case so when the decree absolute comes in for example some people have been really sad about it and you almost have to mirror that and console them”.

Matt further explained the extent of the emotional complexities involved in adhering to client expectations. He noted that he had a range of clients who expected different emotions from him which I identified as intra display rule conflict. Here, Matt is describing the circumstance that clients do not feel the same way about say, ending a marriage. While some are sad, other clients are happy. He recalled,

“other clients will be going on and popping open the champagne and want you to mirror that and be excited with them. So, it does vary throughout the case as well”.

Thus, a family law practitioner must not only understand what each client expects of them throughout a case he or she must also accept that client display rules are not universal.

Alongside understanding the different client expectations, some of my participants also spoke of intra display rule conflicts when dealing with private client and publicly funded clients. This is because private clients and publicly funded clients want different things from their legal practitioner. Thus, there are additional layers of emotional complexity exists which extends the range of emotions expected of a family law practitioner. Participants noted a few differences between private and publicly funded clients. Four participants felt that publicly funded clients were more emotionally demanding because they were not responsible for paying for the practitioner's time. Jason felt that his publicly funded clients wanted a more informal and casual relationship with him. He said,

“the relationship you have with the legal aid client because they are not paying you is more "pal-ly" than a private client who is paying for it all. Because when you're not having to pay for it they look for more support than private clients. So, they may ring you up to discuss what happened to them last Wednesday as opposed to someone who is paying and won't ring up to tell you this information”.

However, other participants felt that private clients were more emotionally demanding in relation to ensuring the family law practitioner followed their instructions. Judy said,

“I think private paying clients could be very much more demanding because they were paying for you to do what they wanted when they wanted it”.

In a similar way, Matt noticed that publicly funded clients were less focused on ensuring that family law practitioners followed instructions. He said,

“legal aid clients tend to be a lot more grateful of any help they can get really”.

Emily grappled with the intra display rule conflict between publicly funded and private clients. She discussed feeling under pressure to achieve the result the private client wanted rather than the fair result in the case. She said,

“your aim is to get the result they want you to get for them as opposed to what the right result was”.

Emily further discussed the emotional pressure she experienced when working with private clients. She recalled,

“a privately paying client can drop you and take their case to another firm of solicitors which is you know probably the most embarrassing thing because you are pressured by that embarrassment”.

The examples of display rule conflict from client display rules reveals a deeper level of emotional complexity as experienced by my participants. Client expectations can vary depending on the type of client. In addition, because clients react differently to events in the case, family law practitioners may be expected to mirror emotions differently. Finally, with reference to the divergences between publicly funded and private clients, I revealed how some client expectations can be more demanding than others. Such emotional complexities can lead to intra display rule conflict for family law practitioners as they comply with client display rules. Next, I discuss another dimension to intra display rule conflict as it relates to organisational display rules.

6.2.3 Intra display rule conflict from organisational display rules

I found that my participants experienced the greatest level of intra display rule conflict when they complied with organisational display rules. Such rules encompass explicit display rules which may be found in company policies, and implicit display rules which stem from the firm’s culture and subcultures (Tolbert, 1988). Not only is there no universal culture regarding the display of emotions in law firms, there is a known paradox when it comes to emotions and the law. Further, it is widely accepted that cultures and subcultures could vary within the same organisation (Sackman, 1991) and therefore, there does not appear to be clear directives with respect to my participants’ professional behaviour. For this reason, my participants experienced conflicts and varying emotions when following organisational display rules.

Six participants discussed the emotional complexities involved in complying with organisational rules which stemmed from the culture of the law firm. Four of them reported that management in their firms encouraged them to display enthusiasm, friendship, and empathy towards their clients. Yet, two others found that the reality on the job belied that assumption. For instance, Jason felt that if he spent time engaging with clients and being empathetic, he would not have enough time to achieve his financial targets. The expectations to show and use emotions with clients did not align with other practical tasks such as achieving billing targets. As mentioned previously, Jason said,

"The most common emotions are distress and anger-sometimes both and it's about trying to make sure that's carefully managed because you're not going to get anywhere if you're sat with your client for 2 hours whilst they're in tears".

He went on to explain that,

"Most people are set a time target of 5 hours chargeable time per day and if you weren't doing that your work performance would be questioned regardless of anything else".

Judy concurred with Jason as she said,

"they (the firm) expect you not to display any emotions. Its more about you're here to do a job now get on with it".

There were other revelations in relation to the emotional complexities of intra display rule conflict when complying with organisational display rules which stemmed from the firm culture. Of the six participants who spoke about organisational display rules which stemmed from culture, two participants discussed issues they faced working in a family law department situated in a corporate law firm culture. Madeline, who is a partner, felt that top management in her corporate firm did not appreciate the emotion work of family law practitioners and she felt that they were out of touch. As a result, the family law department in the firm did not seem to fit with the culture in the firm. Similarly, Matt commented on the differing organisational display rules when interacting with various colleagues across the firm. Matt discussed his line manager in the family law department and noted the different expectations she had from the Head of the family department who was also a partner at head office. To quote Matt,

"My line manager is a care specialist so she very much sees emotionally involved clients all of the time so her expectations are very different to the head of department boss at head office who wants this very professional, stand-offish approach I suppose."

This finding is aligned with the literature surrounding law firm culture in which the focus tends to be on achieving billing targets (Pereira & Payne, 2012; Fortney, 2000). However, Matt felt that having the autonomy to use and manage emotion with clients enabled him to do a good job. The use of emotions could enable clients to feel supported, comfortable and less vulnerable. Such an approach could help build a stronger case. It is when family law practitioners feel they must restrict or limit their emotions with clients that they experience a tension or conflict. Judy and Matt discussed this point. As Matt said,

"I personally think that the biggest source of tension would not be to offer my clients that support which would then lead to them making complaints because they are not getting the service, they think they need".

For family law practitioners, it is evident that the organisational display rule to show no emotion versus other organisational display rules to show emotions can lead to intra display rule conflict. It appears that my findings reflect the idea that traditional legal professional ideology is dominated by ideas that the expression of emotions on the part of the reasoned and rational lawyers is discouraged (Maharg & Maughan, 2011; Brayne, 2002; Nicolson & Webb, 1999).

There are high levels of emotional complexity for family law practitioners who experience intra display rule conflict within organisational display rules. The firm culture will vary from firm to firm thus, organisational display rules are not universal. Beyond this point, law firm subcultures could mean varying display rules between legal departments and even managers within the same department. Such emotional complexities can lead to tension and conflict for the family law practitioner as they decide which aspect of the display rule takes priority.

In this section, I have demonstrated the emotional complexities that arise from intra display rule conflict for family law practitioners. I started with discussing

professional display rules and revealed the difficulties a family law practitioner can experience working in a profession that expects them to be emotionless in an emotive area of law. Then I brought in discussions of client display rules and showed that not only do clients expect different emotional displays, they expect these displays at different points in the case and sometimes throughout the case. The lack of uniformity of client display rules means that family law practitioners must practice a variety of emotion work displays not only with different clients but sometimes with the same client. Finally, I exposed a deeper level of emotional complexity for family law practitioners when I discussed intra display rule conflict from organisational display rules. Here, I demonstrated the nuances of expectations contained in firm culture as well as subcultures.

As expectations which arise from culture is considered an informal display rule, it uncovered an even deeper level of emotional complexity as the family law practitioner is required to adhere to these display rules without explicitly learning them. The cultural and sub cultural display rules vary from firm to firm as well as across and within departments. The three display rules in this section highlighted the emotional demands on my participants when complying with just one of them. In the next section, I discuss inter display rule conflict in which I will demonstrate the emotional intricacies for family law practitioners which could lead to emotional pain and toxicity.

6.3 Inter display rule conflict

In this section, I delve deeper into my participant's experiences of inter display rule conflict in which conflicts may arise from complying with different display rules simultaneously. In line with the previous section, I demonstrate the even richer emotional complexities and resulting tensions and conflicts that family law practitioners face when complying with multiple display rules. Firstly, I address the tensions some participants experienced as a result of inter display rule conflict particularly as they attempted to reconcile personal expectations alongside other types of display rule. I then discuss the conflicts and tensions experienced by participants in relation to their professional identities. I follow this by examining the boundary spanning role of the family law practitioner as

a means of demonstrating further dynamics of emotional complexities. Next, I continue to build on the concept of tensions and conflicts by revealing how complying with two, three, or more display rules simultaneously can lead to profound emotional complexities for family law practitioners. I then discuss how the conflict and tensions which arise from emotional complexities can lead to emotional pain and toxicity in the workplace. Through discussions in this way, I will illustrate the depths of emotional complexity for family law practitioners.

6.3.1 Tensions and conflicts from personal expectations

Family law practitioners in my study described their personal expectations as the emotions they felt were appropriate to display in their professional roles. Tensions and conflicts were reported by my participants as they reconciled personal expectations and other competing display rules. Personal expectations was a subjective area for my participants as the emotions they chose to display were contingent upon a variety of factors including: their role as paralegal, solicitors or partner; the size of firm in which they worked; their attitude to family law work; and their professional boundaries. My participants recognised that the emotions were mainly genuine emotions that they needed to manage. For example, Jessica was aware that she should manage the emotions she displayed with clients since some clients wanted to be her friend, which Jessica felt was inappropriate. Emily, on the other hand, felt she should display genuine emotions, such as empathy, to create a trusting and open relationship with her clients. While Madeline and Matt tailored their emotions to suit their clients, Jason tended to be detached. Jason's behaviour made it difficult to build rapport, trust and loyalty with his clients. In each case, the expectations of the stakeholders influenced the emotions displayed by the family law practitioners in this study. As such, they displayed emotions specific to their situations.

These family law practitioners appeared to engage in deep acting to invoke feelings of sympathy, surface acting to fake feelings of sympathy or, in the case of genuine emotions, as naturally felt emotions. Thus, they used emotion work strategies when complying with different display rules. It is of interest to

note that less experienced lawyers tend to rely more on surface acting. More experienced legal professionals develop the ability to balance the conflicted expectations of detachment and the requirement to display concern or sympathy (Westaby, 2010). Detachment emerged as another emotion work strategy that was used to serve as a self-protective behaviour. Family law practitioners can utilise detachment to strip away niceties or stifle feelings of anger or frustration, while still executing the behaviours stipulated by organisational feeling rules (Wolkomir & Powers, 2007). As Yakren (2008) argues, lawyers understand their roles as exemplified by the professional standards and values which direct lawyers and reinforce the informal message to lawyers about how they should be managing their emotions.

A prime example of an inter display rule conflict between personal expectations and client display rules was experienced by Jason. He explained the difficult circumstance of representing a client who was found guilty of child abuse. Jason recalled that he had to put aside his views and beliefs and act as a legal representative. He struggled to use deep acting to display empathy. Instead, he used detachment as a means of focusing on the legal process to be followed. It may be that family law practitioners would not engage with abhorrent clients in the same way as a client who was the victim of domestic abuse. Such an inter display rule conflict could lead the family law practitioner to represent the abhorrent client strictly by the legal process. Alternatively, a family law practitioner representing a domestic abuse victim may engage more with emotional displays and make greater efforts to work within the legal process.

One participant, Madeline, experienced inter display rule conflict between her personal expectations and her roles of both fee earner and partner. As a fee earner, Madeline used genuine emotions with clients, such as empathy and would advise them to represent themselves if her fees were too high. This approach felt appropriate and fair for Madeline and aligned with her personal expectations. However, she knew that her boss would not be pleased if he knew of her approach as this would impact her billing targets. As a partner, Madeline is responsible for a team of paralegals and their billing targets. In this

role, she found herself being unsympathetic to paralegals who struggled to meet billing targets. She noted,

“I see myself falling into that trap as well because if I’ve got paralegals that I’m supervising, and I can be - I think sometimes I can be quite unsympathetic.... And when they start moaning about this, this and this and I start thinking well actually I’m turning into one of those managers whose got no empathy”.

Madeline adopted this unsympathetic approach in her capacity as this too aligned with her professional expectations as a partner. This example is demonstrative of the subjective nature of personal expectations as well as the inter display rule conflict a family law practitioner can experience. The emotional complexities involved in this type of inter display rule conflict are evidence among my participants. This section starts to demonstrate the different dimensions a family law practitioner may have to face when complying with more than one display rule at a time. It seems that personal expectations have an influence on professional identity as family law practitioners build up an impression of professional values. Next, I discuss the tensions and conflicts experienced by my participants in relation to their professional identity.

6.3.2 Tensions and conflicts from professional identity

The participants in my study spoke about their professional identity which I subdivided into the concepts of group identity and role identity. I made this distinction as my participants were able to differentiate between their social identities as members of their professional group and their roles identities in their roles as family law practitioners. Professional identity can influence professional workers’ job attitudes (Loi, Hang-yue & Foley, 2004) and behaviour (Boyt, Lusch & Naylor, 2001; Bunderson, 2001). Furthermore, professional identity enhances workers’ self-esteem (Dutton, Dukerich & Harquail, 1994; Ashforth & Mael, 1989). My findings revealed that my participants experienced inter display rule conflict in relation to both group and role identities when simultaneously attempting to comply with organisational display rules. I explore these tensions and conflicts below.

The family law practitioners in my study identified with their profession whereby they incorporated distinctive professional attributes in their work. When employees identify with their profession (group identity), they integrate those distinctive professional attributes and values into notions of their self-identity (Loi et al., 2004). Socialisation is important in shaping professional identity. In the case of these legal practitioners, their professional identity was shaped by a social learning process during which they acquired specific knowledge and skills that defined their professional roles (Hall, 1987). During the socialisation process they identified with their profession as they adopted and embodied the norms, values, behaviours and attitudes expected of their new roles (Caza & Creary, 2016). These practitioners were often exposed to a long and intense period of socialisation with the explicit goal of enhancing their identity within the profession (Watts, 1987).

There is a myriad of ways in which people form an impression of lawyers. For example, perhaps an impression is formed through personal experience of instructing a lawyer, or via their portrayal on television. My participants spoke of the reasons and experiences that led them to practise family law. Charles said it was because he saw how his mother's family law practitioner supported her through her divorce case. Ann indicated that she gained some work experience in a family law department during university. Whatever the reason, when people start law school, they already have an impression of the legal profession (Sommerlad, 2007). The negotiation of professional identity of lawyers starts in law school where they are taught to 'think like lawyers' (Bliss, 2017; Kadowaki, 2015) and even to dress like lawyers (Sommerlad, 2016). This way of thinking incorporates notions of rational-legal authority predominated by bureaucratic cultures and ideals of professionalism (Davies, 1996). Socialisation of legal professionals aims to ensure that traditions within the profession are maintained and upheld. Such traditions include the ideology that the professional is faceless and emotionless who follows the hierarchy of formalism to make impartial and apolitical decisions (Hutchinson, 1998). However, not all lawyers have the same professional identity because professional identities can also be formed from experiences.

My participants displayed the appropriate and expected emotions at work by observing others, shadowing, and a trial and error process. The decision to display certain emotions was determined by the professional identity they acquired by association with their profession and colleagues (Burke & Stets, 2009; Van Maanen & Schein, 1979). However, in my study, I found that for some participants, they experienced inter display rule conflict in relation to their group identity. Four participants discussed situations in which their group identity did not align with organisational display rules thus creating an inter display rule conflict. These participants were socialised in different ways. For example, Jessica was socialised to adopt a personal approach as a lawyer (group identity). However, the law firm for which she worked expected her to adopt a much more professional and distant approach which Jessica felt limited the ways in which she could manage her cases and clients. By way of contrast, Mary's professional identity as a lawyer aligned with notions of being professional and distant. This approach to managing clients contradicted the expectations of her clients to be informal and personal.

Group identity does not always align with display rules to which family law practitioners must adhere. This may be because, despite attempts to modernise the legal profession by focusing on meritocracy and rational practices, lawyers are still socialised to honour traditionalism and focus on profits (Sommerlad, 2007). Thus, despite a family law practitioner's professional identity, they are still required to work in law firms and cultures which encompass corporate values which can restrict autonomy to use a range of emotion when practising family law. This conflict and tension also exist within role identity.

Professional identity of the family law practitioners in my study was also defined by their roles as family law practitioners. Although Charles was a partner in his firm, he defined himself as a family law practitioner (fee earner). Similarly, Matt took care to identify as a sympathetic family law practitioner. Others, such as Jessica, Jason, and Mary thought of themselves in terms of their professional choices since their professional approach depends on their membership within their profession (Burke & Stets, 2009). Such choices continue beyond law school and have a more pertinent role once the student

starts working in a law firm. Here, they drew on their beliefs which originated from their role identity and their personal identity which could be different from expectations in the workplace. As such, the family law practitioners experienced inter display rule conflict whenever their beliefs due to their professional identity were not aligned with the expectations of their clients, their firms, and their professions.

The conflicting professional identities among my participants appeared to arise because each of them had two different roles within their law firms (Robertson, 2011). When this happens, identity theory predicts that the identity that the person regards as having a higher level of prominence or commitment takes precedence and is dominant over the identity with a lower level of prominence or commitment (Burke & Stets, 2009). Such a situation leads to identity interference (Settles, 2004) whereby the pressures of one identity interfere with the performance of another identity (Van Sell, Brief & Schuler, 1981). In such a case, the result can be identity centrality which is the psychological attachment that people place on their identities (Settles, 2004). This situation could become problematic if my participants have difficulty integrating their various identities into their lives.

Although eight participants discussed inter display rule conflict in relation to their role identity, Madeline appeared to struggle with this the most in relation to her roles of partner and fee earner. In relation to these two roles, I noted that there were other roles Madeline identified including manager and colleague. Thus, this adds another layer of complexity to the discussion of role identity. Madeline needed to be cognisant of which rule she was displaying and with whom she was interacting to draw on the appropriate professional identity during her interactions. As a partner, Madeline felt compelled to display emotions which depicted organisational display rules of being emotionally distant. This organisational display rule contradicted her personal expectations, client expectations and her role identity.

Interestingly though, it did not contradict her role identity as a manager, as Madeline admitted that she could become unsympathetic with junior staff. However, she felt that her strong moral core prevented her from conforming to

the emotionless display rules in the commercial firm in which she worked. For Madeline, this meant concealing the sympathetic advice she would give to clients as she knew other partners would not approve. She also accepted that, in terms of her career, it would mean that she would not progress in the same way as other commercially minded colleagues. She said,

“But if it went higher up and if other management find out that I’m not like from another firm who like to fleece their clients at every opportunity. That’s my view and that’s why I think I think it would be very difficult for me or near on impossible for me to progress”.

It appears that Madeline’s role as a fee earner took prominence over her role as a partner as she prioritised clients over the expectations of her firm. She said,

“I think that I’m acting more in my client’s best interests than in making money for the firm and that’s probably why (laugh) I’m not climbing the greasy pole”.

Furthermore, her fee earner role appeared to align with her role as colleague as she felt she had a community of people in the firm with whom she could easily discuss her cases. However, Madeline still felt she needed to manage her emotions perhaps because her colleagues could also include her subordinates. Madeline noted the need to be a “*complete chameleon*” at times as she felt she needed to adapt her behaviour and professional identity as she interacted with a wide range of people daily.

Madeline’s example demonstrates the emotional complexities involved in complying with different roles alongside display rules. The roles are not simple and can involve interacting with a myriad of stakeholders, all of which require a family law practitioner to manage their emotions. It may be that further emotional complexities exist as family law practitioners identify with their profession and roles in different ways. It is worth exploring the boundary spanning role of family law practitioners further to exemplify the depth of inter display rule conflict.

6.3.3 Inter display rule conflict and boundary spanning

The variety of roles that my family law practitioners carried out are evidence of boundary spanning work. Boundary spanning roles serve to access and

disseminate information across boundaries (Caldwell & O'Reilly, 1982), communicate frequently with two masters (Grandey & Diamond, 2010), and develop interpersonal trust across boundaries (Williams, 2007). Thus, boundary spanners must engage more frequently with impression management as they deal with the level of varying expectations (Caldwell & O'Reilly, 1982). In line with literature, family law practitioners discussed the range of skills required when interacting with different stakeholders (Williams, 2002; Caldwell & O'Reilly, 1982). As the role of the family law practitioner inevitably involves extensive interactions across boundaries, the role is emotionally complex and has vast potential for tensions and conflicts. Thus, family law practitioners engage with a higher level of emotion management as they comply with multiple and competing display rules (Grandey & Diamond, 2010).

My participants recognised these levels of emotional complexities in their boundary spanning roles. Jason referred to the need to be able to change behaviour quickly. He said,

"You pitch yourself in a different way depending on what you're trying to achieve. It's a key part of the job actually".

Family law practitioners appear to accept this aspect of their roles. Madeline spoken extensively about her boundary spanning role. She noted,

"I think its tiring. If I'm in the kitchen with the receptionist who I get on with really well and we're just making a drink and we're taking about family stuff...about kids and talking about this and that and then there'll be somebody else you're talking about a work thing with like another solicitor. Then there's one secretary you're talking about the work that they're doing or just trying to sort out stuff that they're doing orand then if you're with one of your colleagues that you feel you can confide in and you know is as weary as you are about things that can happen then you'll be different than you are with the immediate boss and then the top echelons and you're completely different with them".

Here, Madeline provides a real example of the types and range of discussions she could have at work. Within her role, she must interact with stakeholders who have different expectations of her. In the next section, I expand further in relation to inter display rule conflict as experienced between two display rules,

three display rules, and four display rules to demonstrate the extent of the complexity of the family law practitioner role.

6.3.4 Inter display rule conflict between two competing display rules

Undoubtedly for family law practitioners in my study, inter display rule conflict was prevalent when they complied with two competing display rules simultaneously. Among my participants, the most common examples of inter display rule conflict in relation to two competing display rules were between personal expectations and client display rules as well as between client display rules and firm display rules. In this section, I will focus on two types of inter display rule conflicts between client expectations and organisational display rules as well as personal expectations and organisational display rules.

Olivia discussed inter display rule conflict when complying with two different display rules. In her case, the two competing display rules were client and organisational. Olivia's clients expected her to be supportive and empathetic, and her firm expected her to be stoic and professional. Olivia is a partner in her firm, so these display rules impacted on her in different ways depending on the role she was occupying. In her fee earning role, Olivia said,

“you're obviously doing the best job you can do but behind that you've got your employer saying 'come on you've got to bill and you've got to do blah blah blah', and there can be almost a sort of conflict almost. You might know that your client is going through a really difficult time emotionally. Actually, there will also be a big bill and you might have to pile on the pressure for them and that's a hard one”.

Olivia noted that this type of conflict was common for family law practitioners however, she felt that it was part of the job. She noted,

“I think because I've been doing this job for so long, I don't even think I think about it anymore to be honest with you. It just kind of comes naturally. It doesn't bother me anymore. It's just part of my job”.

For some family law practitioners like Olivia, it may be that such conflicts are accepted as common practice. However, it is evident that this type of inter display rule conflict is uncomfortable for family law practitioners.

Emily provides a good example of the extent of experiences of inter display rule conflict between personal expectations and organisational display rules.

Emily was a paralegal with over eleven years' experience of practicing family law. She began her career as a secretary for a solicitor and gained experience working on family law cases. Eventually she was offered an opportunity to carry out some fee earning work. It was in her latest role when she experienced the deepest level of emotional complexity as she reconciled her own personal expectations with organisational display rules. Unfortunately, due to the extent of tension and conflict, Emily left the profession.

Emily discussed examples of display rule conflicts she experienced in her role as paralegal. Although she had extensive experience in children cases, Emily wanted to gain experience with financial cases. So, she accepted a role in a private firm which specialised in high asset divorce cases. However, from the outset, Emily recalled feeling like an outsider in the firm. Her personal approach to family law cases, which stemmed from her experience on children cases, meant that she was accustomed to being empathetic, patient, and conciliatory. It was commonplace for Emily to work in family law departments which fostered such emotional displays as the main type of work related to children cases. Thus, her natural and personal approach did not seem to fit in with the aggressive culture of the private firm.

Emily felt that management pressured her to conform to the aggressive ethos of the firm which conflicted with her personal expectations. She was expected to be assertive and forthright at court and proactive and emotionless with clients. Emily was working in a legal culture which forced her to falsify her emotions and surface act daily. She recalled specific examples of her time in court, when her manager would expect her to consistently win cases or achieve an outcome in her client's favour. However, this was not always possible. She noted,

"There were times when I went back, and I knew that I would be criticised"

Things became progressively worse for Emily. On one occasion when she was going to conduct her first financial hearing, a senior colleague offered to accompany her at court. Emily did not want to be observed by a senior colleague because he would realise that she did not run cases in accordance

with organisational display rules. Emily noted that the case did not run that day and said,

“Definitely anxious and concerned had it gone through what would have been said going back to the office. So anxious and a bit scared”.

Another anxious moment for Emily occurred when she was encouraged by a senior colleague, against her personal expectations, to lodge an application at court as it is usually perceived as an aggressive strategy. This action resulted in Emily being called into the Judge’s chambers. She noted,

“That pressure came from a higher solicitor, so I made the application and the Judge called me into her office. And she said, “I want to see you at 8.45am in my office before court starts.” And I had to go down on my own. And she said “I don’t know why this application is in front of me and your name is on the application so you’re clearly responsible and if I ever see this type of application from you again then things will get more serious. I’m telling you now in chambers and this is how I will respond to it in open court at 9.30am later on”. I felt obviously anxious about doing it myself and I was conflicted at that point. Did it align with my values? No”.

Emily’s example demonstrates the emotional complexities that arise for family law practitioners when complying with two competing display rules. It is also an extreme example of how the tensions and conflicts can lead a family law practitioner to leave the profession. In the next section, I build on intra display rule conflict further by exploring the impact of complying with three competing display rules simultaneously.

6.3.5 Inter display rule conflict between three competing display rules

In this section, I focus on demonstrating the emotional complexities and resulting tensions and conflicts when a family law practitioner complies with three competing display rules simultaneously. The three display rules commonly mentioned by participants include client, organisational and professional. The emotional complexities in this example are even greater than those that exist when complying with two competing display rules. This is because the family law practitioner must be aware of what is being expected of them from three stakeholders and what role they are occupying at the time the display rules conflict. Judy discussed such an experience.

Judy noted that the display rules to which she was subject were all different. Her firm expected her, *“not to display any emotions. Its more about you’re here to do a job, now get on with it”*. She felt the professional display rules meant that she should *“show some understanding and sympathy but keep yourself distant from it”*. Finally, she noted that her clients expected a diverse range of emotions, which included empathy, sympathy, or for her to mirror their emotions. Thus, Judy experienced inter display rule conflict when complying with these three display rules. One such example involved representing an angry client at court. Judy recalled,

“I mean I’ve had quite a lot....another client who threatened a judge and the judge walked out and said “you’d better sort him out” as if it was my fault that this man was behaving like this....you know it was like “I’m not going to deal with this until your client has calmed down”. I don’t think that’s my responsibility for someone else’s behaviour, but the judge seemed to think it was, which I think was a bit unfair”.

In this instance, Judy noted that she struggled to prioritise the display rules from her client, the profession (Judge), and her organisation. Judy indicated that her client was angry which caused him to threaten the Judge. The client expected Judy to mirror his emotions and display anger in court. Judy’s firm expected her to display no emotions and the Judge expected her to control her client’s behaviour, with which Judy disagreed. She recalled this situation as one which caused much tension and conflict due to the level of emotions she was required to manage simultaneously. As a family law practitioner, I experienced a similar inter display rule conflict involving an emotional client at court. It was an incredibly uncomfortable experience for me and one in which I never became accustomed. In the next section, I look further into the emotional complexities for family law practitioners who experience inter display rule conflict between four competing display rules.

6.3.6 Inter display rule conflict between four competing display rules

I explore that notion of the emotional complexities involved in inter display rule conflicts between four competing display rules. As they comply with four competing display rules, family law practitioners also engage with other factors including boundary spanning. This level of expectation can undoubtedly be

emotionally complex as the family law practitioner must be mindful of the boundaries across which they are spanning, the different display rules, and the roles they occupy. All my participants confirmed that they held a boundary spanning role as they interacted with stakeholders both within and outside their organisations. I explore the notion of the emotional complexities involved in inter display rule conflict between four competing display rules. The four display rules focused on here are personal display rules (stemming from professional identity), professional display rules, client display rules, and organisational display rules.

Madeline provided a good case of a family law practitioner who was a boundary spanner having to comply with multiple display rules. At the time Madeline was promoted to salaried partner, she was in her thirties making her the youngest salaried partner in her firm. It should be noted that being appointed a partner is very often the pinnacle in a legal career, although, it is known to be double-edged sword. For example, a salaried partner takes on some of the liability for any wrongdoing in the firm. However, there is usually no salary increase or share in the net profits like there would in as equity partner. It is considered a demotion in some cases because the salaried partner is taking on two roles instead of one and getting paid less money per role (The Law Society, 1994). For Madeline, this risk was acceptable as it was rare not only for family law practitioners to be promoted to partner level but also at such a young age. At that time, she had 15 years family law experience under her belt. The position of partner was in a corporate firm with a much smaller family law department to the ones in which she was accustomed to working. Madeline's personal expectations were to be calm, friendly and supportive. She said,

“try to be polite to everybody and most importantly you start with the people who do the donkey work because they're the people you're going to need (laugh). Not even the secretaries, it's the admin people, the reception staff, the man who brings the boxes of files. You just have to be polite to people and try and be nice to people.... how you always fill the kettle and put it on for the next person when you've finished making a drink. It's now a habit. I think it gets you on side with people”.

In relation to professional display rules, Madeline felt she was expected to be stoic and get on with the job. She said,

“(there was) no thought about the emotional impact it could have on you because nobody has any training. It’s just part of the “man up” part of the job (laugh)”.

Madeline stated that clients expected her to mirror their emotions which usually involved showing anger or frustration. She noted client display rules as a source of tension and conflict as clients can cease instructions if they are not getting the emotional displays they expected. As mentioned above, Madeline recalled,

“A client who is riled up wants you to be riled up. And I’m thinking about client’s who have sacked me in the last couple of years. I don’t you know.... I don’t get sacked a lot (laugh). But I think the reason is because I haven’t become riled enough for them”.

Madeline reported a different set of expectations from her firm. She stated that her firm expected her to be professional and emotionless with an underlying pressure to bill clients. Madeline said,

“top management is just... their emotional expectations is that you are going to be a piece on a chess board that is not going to display emotions.... All they think about you, know let’s face it, they think about the bottom line”.

As demonstrated, Madeline faced some very different emotional expectations at work. These expectations also varied whether she occupied her fee earner role or her salaried partner role. Madeline described scenarios when she would feel tension and conflict when interacting with different stakeholders in the same situation. On one occasion, Madeline was representing a privately paying father in a children case who was incredibly angry and frustrated at every stage in the case. Madeline said she felt that she was,

“finding I’m being sucked into his emotions because I’ve got his empathy with him and I feel really, really sorry for him. I’m now becoming really angry with her (the other party) and it’s like (laugh) I’ve got to take a step back from that.

As noted previously, Madeline said,

“(the) added frustration of the client who is saying “I’m paying you thousands of pounds so why is she winning? She doesn’t even have representation!!” He is absolutely on at me and he’ll have a go

at me for half an hour saying, “why aren’t you doing anything, why aren’t you doing anything, why aren’t you doing anything?”

As the case progressed to court, Madeline instructed a barrister to conduct the hearing due to his specialism in children cases. However, another conflicting situation ensued. Madeline had informed the barrister that the other party in the case was frustrating her. She would have discussed this with the barrister to provide background information on the case and perhaps to prepare the barrister for dealing with the other party. Unfortunately, the barrister told Madeline’s client that she had told him all about the case which embarrassed Madeline as she felt the barrister had crossed a professional boundary and contradicted an organisational display rule to be professional.

In the meantime, the client became frustrated as to why Madeline advised him to instruct a barrister when Madeline had the deepest knowledge of the case. After all, the client was instructing Madeline on a private basis and barristers fees per hearing can be upwards of £3000. Madeline’s time was also chargeable. In the meantime, Madeline received an email from her supervisor to regarding the client’s bill. The client had a significant outstanding bill, and she was advised not to carry out any further work until the bill was paid in full. Immediately, Madeline felt frustrated and conflicted as she was at court in the middle of representing the client.

The level of emotional complexity in such an example is vast. Madeline felt pressure by the extent of the emotional demands from the client (client display rules), her own expectation to remain calm (personal display rules), the unprofessionalism of the barrister at court (professional display rules), and the email regarding billing which impacted on her autonomy in the case (organisational display rule). Madeline marked this experience as one of the worst days in her career. She recalled feeling angry, frustrated, tired, and anxious – all at the same time. She found herself in a very emotionally complex situation as a result of the inter display rule conflict of complying with multiple competing display rules simultaneously.

It should be noted that as Madeline experienced this organisational pain, she attempted to deal with it by speaking to colleagues. For my participants, this was the main way in which they dealt with any pain which resulted from intra

and inter display rule conflict. In the final section of this chapter, I explore the concepts of pain and toxicity for family law practitioners who experience intra and inter display rule conflict.

6.4 Pain and toxicity among family law practitioners

My findings and discussion demonstrate that my participants experience organisational pain and conflict on a regular basis. The notion that organisational pain is inevitable is commonly found in literature (Frost, 2004). Furthermore, due to the extent of emotional complexity for my participants in complying with competing display rules, it seems that they tend to seek support from colleagues to deal with such pain. On the basis that family law practitioners can speak to colleagues, the understanding is that they can then avoid the build-up of negative emotions, which over time can lead to toxicity in the workplace (Appelbaum & Roy-Girard, 2007). Where toxicity exists, either for individuals or as part of the organisational culture, it may be that some employees adopt the role of informal toxin handler to help others to cope and alleviate the toxicity (Ward & McMurray, 2015). However, among my participants, the role of formal toxin handler is more difficult.

My participants acknowledged the need to speak to or seek support from colleagues, particularly during stressful or frustrating times. Further, my participants noted that they were happy for their colleagues to speak to them if they were going through a difficult time. However, they did not appear to take on a formal toxin handler role as they felt they could speak to a variety of people. It is noted that formal toxin handlers tend to notice when and how painful situations turn toxic and have a genuine concern for the well-being of others at work (Frost, 2004). Such formal toxin handlers are likely to be human resources specialists, line managers, or team members. Frost (2004) argues that toxin handler work reflects five key areas: listening, holding space for healing, buffering pain, extricating others from painful situations, and transforming pain. However, family law practitioners did not engage in these areas when either seeking support or offering support to colleagues.

My participants confirmed that they would engage in informal discussions with colleagues in which they would offload with each other. There did not appear

one person to whom they would seek support from at work. There was no private space in which to have these discussions as the discussions were informal. Where participants offloaded at work, they did not seek to buffer the pain of others but rather use the opportunity to discuss strategies for future scenarios. Furthermore, there were no opportunities to extricate others from painful situations among family law practitioners. My participants would not be able to offer to cover cases as the work was individual and due to the competitive culture in the legal profession, family law practitioners would not be so willing to give up their clients. Finally, it appeared to be an accepted eventuality that being a family law practitioner was a difficult job. Thus, it was no one's role to transform organisational pain by changing the view of the pain. It was clear that my participants knew that the tensions and conflicts were a part of the role.

It is interesting to note that for my participants, formal toxin handlers were not prevalent in their firms. This may be due to the legal culture which is based on achieving billing targets, competition to acquire certain cases and clients, building reputations, and the notion of professionalism. Family law practitioners were clear that they sought to offload so that they could expunge negative emotions and get back to work. During those discussions, all parties would offload so that there was no one person who was seeking to improve the well-being of others. It appears individually, the act of offloading and knowing that others had similar experiences, was enough to enable the family law practitioner to feel relief and continue to work. Perhaps those participants who are partners may adopt an informal toxin handler role and may create space for colleagues to release emotions. As supervisors, such partners may demonstrate empathy and understanding with a member of their team who is stressed. In such cases, an informal toxin handler role may be adopted as part of wider workplace discussions (Ward & McMurray, 2015). Given the level of emotional complexities involved in the role of the family law practitioner, it is useful to consider how they engage with emotion work as they negotiate complying with multiple display rules.

6.5 Emotion work and display rule conflict

In complying with multiple and competing display rules, family law practitioners practice emotion work. I focused on emotion work applicable to work roles solely rather than including family roles as the work role was the context of my study. Having decided which display rule to prioritise or with which aspect of the display rule to comply, family law practitioners use emotion work strategies to manage and display the appropriate emotions. In my study, I noted that such strategies included surface acting, deep acting, and genuine emotion. However, my findings and discussion have revealed that my participants engaged with emotion work in different ways.

Emotion work is performed to enhance positive emotions, mitigate negative emotions, and regulate negative emotions (Strazdins, 2002; England & Farkas, 1986). A typology developed by Strazdins (2002) indicated that emotion work involves three dimensions called companionship, help, and regulation. Companionship creates positive emotions to maintain social integration (Dandridge, 1988). Help refers to alleviating negative emotions in others (Sarason et al., 1983). Regulation involves helping others to improve their well-being (Weinbach, 1990). However, in my study, participants did not engage in emotion work for these reasons. My participants engaged in emotion work as they negotiated a myriad of display rules. Complications for family law practitioners such as power dynamics and professional identity conflict, meant that they sought to maintain positive perceptions of themselves rather than maintain social integration within a group. Further, although they engaged in offloading with each other, it was more to alleviate their own stress levels to enable them to continue with their work, rather than to alleviate negative emotions in others or to regulate the well-being of others.

My participants also engaged with emotion work strategies differently. In addition to utilising surface acting, deep acting, and genuine emotions, they reported that they also used detachment as an emotion work strategy. Research has signified the importance of emotions in making decisions and has acknowledged that, in some cases, biased emotions and feelings can impair decision making (Bechara, Damasio & Damasio, 2000). Where family

law practitioners deal with highly emotive cases such as child/spousal abuse, there may be occasions on which the strategies of surface acting, deep acting or genuine emotion are not enough to assist the practitioner to manage emotional reactions. Emotional detachment by withdrawing their emotional assistance to clients may help family law practitioners to remain helpful while protecting themselves from negative emotions (Wolkomir & Powers, 2007). Detachment does not imply a refusal to conduct emotion work. Rather it serves as a self-protective behaviour that practitioners can utilise to strip away niceties or suppress feelings of anger or frustration, while still executing the behaviours stipulated by organisational feeling rules (Wolkomir & Powers, 2007). Thus, one can see the value in the practitioner developing the skill of emotional detachment as a way in which to manage his/her emotions in such cases (Kadowaki, 2015).

Some scholars argue that detachment is a dimension of emotion management (Kadowaki, 2015). Some of my participants indicated that they used detachment in situations when it became too difficult for them to maintain their professional identity and comply with client display rules. Being detached in such circumstances enabled family law practitioners to continue to carry out their roles. This finding is consistent with research from an abortion clinic where workers used detachment an emotion management strategy to deal with hostile clients (Wolkomir & Powers, 2007). For family law practitioners then, emotional detachment can be considered an emotion work strategy along with surface acting, deep acting and genuine emotion.

In this chapter, I addressed my first research question by creating an in-depth discussion regarding the experiences of display rule conflict for my participants. I revealed the emotional complexities and tensions and conflicts that arose for participants which stemmed from intra display rule conflicts. To develop these ideas further, I exposed the even deeper tensions and conflicts for family law practitioners who experienced inter display rule conflict when complying with two or more display rules concurrently. These discussions demonstrated the depth of the emotional complexities experienced by my participants on a regular basis. I argued that such depth of emotional complexities inevitably leads to organisational pain. However, I noted that due

to the individual nature of legal work, family law practitioners take responsibility for their own organisational pain, rather than form or seek out the role of formal toxin handler. I finished the chapter by discussing how my participants engaged with emotion work as they experienced display rule conflict. In the next chapter, I address my second research question and focus on how family law practitioners cope with the emotional complexities and tensions and conflicts that arise from inter and intra display rule conflict.

Chapter 7: Formal and informal ways of coping

In this chapter, I address my second research question. I focus on the ways in which family law practitioners coped with intra and inter display rule conflict to address my second research question. The chapter is divided into three sections. In the first section, I discuss the formal means in which my practitioners coped with display rule conflict. In the second section, I examine the informal means that family law practitioners coped with display rule conflict. Here, I explore the factors that exist for my participants as they formed communities of coping to deal with tensions and conflict. Such factors including power dynamics, levels of participation in communities of coping, conflicting professional identity, and a perception of a lack of social support. In the final section, I discuss my theoretical framework as I tie together my findings from answering both of my research questions. First, as a reminder, I restate my second research question and provide a summary of my findings in relation to this question.

7.1 Findings in relation to my second research question

In Table 7.1 below, I summarise the relationship between my objective, themes, experience of display rule conflict, and resulting concepts in relation to my second research question. My second research question was:

- How do family law practitioners deal and cope with display rule conflict in the workplace?

Objectives	Themes	Type of display rule conflict	Concepts
1. Evaluate the ways in which family law practitioners deal with display rule conflict 2. Evaluate the influence of display rule conflict on family law practitioners based on interviews	Support by offloading Learning	Inter display rule conflict	Formal and informal ways of coping

Table 7.1: Relationship between my second research question, objective, themes, and resulting concepts

I now discuss the formal ways by which my participants coped with display rule conflicts.

7.2 Formal ways of coping

My participants reported that in their firms, there were no formal support mechanisms in place. This means that any support either sought after or offered by my participants was done so informally. Interestingly, participants did not believe that formal support measures would be welcome in their firms. This may be due to perceptions of emotions in the legal culture (Sommerlad, 2007). The culture of the law firm has a significant influence on the type of support legal practitioners receive. Traditional legal culture favours billing clients over displays of emotions and as such, this can impact on perceptions of support mechanisms (Fortney, 2000). From my own experience, my daily billing target was seven hours. This meant that I was expected to account for my time, whether it was chargeable or not, for seven hours each day, which I found challenging. It appears that a similar culture exists in the law firms that employed my participants.

Participants discussed the pressure they experienced relating to their billing expectations. They perceived that if they were “seen” or “caught” talking to colleagues by supervisors they would be either reprimanded or believed to have insufficient work to keep them busy. The participants felt that supervisors did not care whether the discussion was work related. This practice created the impression that talking or casual discussions were frowned upon, which could explain why some participants felt that they could not seek support from supervisors or colleagues. Practitioners may be reluctant to demonstrate or display to management any hint of struggle or difficulty in achieving targets for fear of being judged as incapable of being efficient.

It was accepted among my participants that they coped with tensions and conflict informally. Two participants felt that emotions shared in a formal setting could be used against them. As noted earlier, Judy said,

“Because I think if it’s something formal there is a fear that something is going to get recorded or its going to be kept in your record that it’s going to be used in some way...I don’t know if that sounds irrational but that’s how I feel”.

Thus, there appeared to be a perception that supervisors would misconceive emotions as a weakness. This belief reinforces traditional views of the legal profession.

Another participant, Matt, intimated that fee earners do not want to display emotions or talk about their emotions in meetings. He felt it would be counterproductive if people are *“forced into talking openly about their emotions”*. As mentioned earlier, Matt said,

“if its kept informal, then people can share with who you choose to and that can be helpful because there are some things, I would share with some colleagues but not others”.

For my family law practitioners, formal means of coping was not a desired option. Finally, participants felt that a formal outlet for coping could force them to talk about their emotions with colleagues with whom they were uncomfortable sharing such personal information. Instead, all participants chose to cope informally which I discuss in the next section.

7.3 Informal ways of coping

In this section, I discuss informal ways of coping and uncover the layers of such coping as revealed by my participants. I start by discussing the informal communities of coping that were formed by participants at work. Interestingly, within these communities, the family law practitioners obtained a great deal of learning. Such learning in relation to coping included how to recognise expectations from various stakeholders, how to identify conflicting expectations, how to recognise that these conflicts manifest themselves as emotions, and cope with these conflicts. I then examine how communities of coping are experienced by family law practitioners. I will demonstrate how factors including power dynamics and levels of participation can impact experiences of using communities of coping. Further, I discuss the ways in which communities of coping can also be a source of tension and conflict for family law practitioners as they deal with issues such as conflicting identities and lack of social support in these communities.

7.3.1 Creating communities of coping

Participants in this study coped informally with inter and intra display rule conflicts they faced daily. They did this by talking to or exchanging ideas with colleagues. In this way, they were able to purge negative feelings associated with tensions and conflicts. Participants indicated that generally, they offloaded by talking with colleagues in the office and with families at home. It is well established that collective forums in the workplace may help in coping and dealing with stressful situations (Korczynski, 2003). My participants found that workplace support helped to alleviate their problems and enabled them to carry on with their work. Workplace social support refers to the support that an individual receives from supervisors and co-workers (Karasek & Theorell, 1990). As such, workplace social support is a valuable tool for preventing work-related stress (Beehr, 1995; Cohen & Wills, 1985). It has significant effects on improvement of attitudes, performance, and health related issues (Glanz, Rimer & Viswanath, 2008; Kaufmann & Beehr, 1986).

The family law practitioners in my study formed informal communities of coping as a means of obtaining workplace social support. Such a community is a collective way to discuss issues and find solutions to cope with issues that develop (Korczynski, 2003; Domagalski, 1999; Fineman, 1996; Kobasa, 1982). The concept of communities of coping refers to emergent, informal, oral-based, social modes of coping (Korczynski, 2003). The concept stems from informal, social modes of workplace learning such as 'communities of practice' (Brown & Duguid, 1991) through culture and informal socialisation (Raz, 2007). These workplace communities can constitute strong informal work group cultures which can be difficult to control from a managerial point of view (Korczynski, 2003). Consequently, management may attempt to influence the ways in which employees form workgroup cultures, through policymaking, team building exercises (Salaman, 1974), or creating the impression that informal discussions are unwelcomed.

Participants discussed the benefits of offloading with colleagues in communities of coping. Charles, Madeline, Matt, and Jason felt that they 'let off steam' when they discussed issues with colleagues. They not only felt

better afterwards, but they also gained insight into ways of coping with the challenges they faced. It appears that my participants engaged in offloading to discuss negative aspects of their work such as conflicting display rules and their frustrations, as well as the positive aspects of their profession (Beehr, King & King, 1990). These ways of offloading provide emotional support which focuses on the affective tone of the conversation and are useful in reducing workplace stress (Zellars & Perrewé, 2001; Stephens & Long, 2000; Fenlason & Beehr, 1994). Such work group cohesions are enhanced when co-workers are willing to listen to job-related problems, are helpful in assisting with the job, and they can be relied upon when employees find it difficult to cope (Iverson, 1996).

Employees may choose to engage in informal discussions with colleagues by having a cup of coffee or tea since coffee sociability at work is an integral part of the workplace culture (Stroebeak, 2013). Furthermore, the coffee break is a regular social practice and allows for informal and spontaneous encounters among employees. Together with discussions that take place in the corners and corridors of a workplace, coffee breaks enable conversations to take place in the offstage or backstage areas of the workplace (Scott, 1990). This method of support by offloading can benefit junior family law practitioners who are not familiar with the 'ropes of the profession'. Communities of coping can reinforce the need to cope through informal means. Members of the community can learn collective survival strategies in emotionally demanding occupational settings. My participants revealed that they rolled their eyes and swore when sharing experiences. These are means of coping communally and socially (Sutton, 1991; Benner & Wrubel, 1989; Meyerson, 1989).

Other means of coping could be through gossip and laughter at work (Sayre, 2001; Francis, Monahan & Berger, 1999). Such behaviour could be perceived by others as unprofessional. Thus, coping in this way is kept in the offstage or backstage areas, out of earshot of those perceived to hold power such as management or clients (Scott, 1990). Interestingly, participants revealed that offloading with colleagues was kept separate to any conversations held with management. Although family law practitioners could share legal knowledge in these communities, such formal discussions were generally reserved for

departmental meetings (Apistola & Gottschalk, 2012). Matt informed me, items on the agenda in their meetings included cases and updates and excluded practitioners' personal emotions.

My findings belie Karasek and Theorell's (1990) argument that workplace social support refers to the support that an individual receives from the supervisor and co-workers. The social interaction between employees and supervisors defines attitudes and behaviours in the workplace. Further, supervisor support is imperative and can be displayed in terms of trust, respect, friendship, and a deep concern for the needs of subordinates (Iverson, 1996). I found a cultural divide between employees and management leading to distrust. Ironically, supervisors are supposed to play an important role in the work environment as well as provide information and feedback to employees (Griffin, Patterson & West, 2001). My findings were not aligned with the literature in the area of support by offloading. Next, I delve deeper into communities of coping and consider the unintended learning that occurred for my participants.

7.3.2 Learning in communities of coping

In participating in communities of coping, the family law practitioners in my study learned how to: recognise expectations from various stakeholders, identify conflicting expectations, recognise that these conflicts manifest themselves as emotions, and cope with these conflicts. I understood from my participants that they learned by socialisation. Learning by socialisation occurred when participants offloaded or shared experiences with colleagues or in more formal setting such as communities of practice. I will discuss learning via socialisation as it applied to my participants to demonstrate the value of engaging in communities of coping.

Learning via socialisation can take many forms. Theories such as Bandura's (1986) Social Cognitive Theory and Lave and Wenger's (1991) Situated Learning Theory can imply that such learning comprises a variety of methods including learning from others (Boud & Middleton, 2003), learning following group problem solving, mentoring, coaching, and job shadowing (Manuti, Pastore, Scarigno, Giancaspro & Morciano, 2015). Furthermore, learning

could be from experience (Eraut, 2004). Social cognitive theory acknowledges that individuals act, think, and behave by observing and having direct experience (Bandura, 1977). This theory explains the informal training participants had that enabled them to cope. Learning in this way, not only enabled my participants to recognise conflicts with respect to expectations and with colleagues, but they also learned to display and manage their emotions as they observed and shadowed those who were already established in their firms. For instance, Madeline, Jason, Ann, and Judy observed more experienced colleagues' behaviours in different situations and modelled those behaviours accordingly as postulated by Bandura (1977). My participants explained that they also learned by having discussions with other colleagues. Such discussions are a form of situated learning whereby learning can occur about a specific situation through dialogue with others in a community of practice (Lave & Wenger, 1991).

Inexperienced lawyers engaged in informal socialisation so that they can learn from the experiences of others in various positions within the law firm. However, these inexperienced lawyers may also perceive pressure to conform to the behaviour of the group to fit in and be accepted. Hertwig (2006) referred to this form of social learning as imitation which is one way by which inexperienced employees learn organisational culture. Experienced lawyers exhibit behaviours that reveal what they do in their organisations and encourage new lawyers to comply with them, especially in firms that are run by social interactions (Levin & Maher, 2002). The combination of imitation, pressure to conform, and trial and error may be ways in which inexperienced family law practitioners could become informally socialised into the culture of the law firm and ultimately, they could learn from experienced family law practitioners how to act, dress, and speak in accordance with professional display rules (Schugurensky, 2000).

One benefit of learning in these ways is that professional identities can be negotiated. As one becomes enlightened, one can renegotiate one's professional identity if only by being a member of their community of practice (Burke & Stets, 2009; Wenger, 1998). When some of my participants realised that they renegotiated their professional identities, they gained the confidence

to recognise and identify conflicting expectations, question the way in which their law firms operated, and found ways to cope with the resulting display rule conflicts that ensued. Family law practitioners such as Charles, Jason, Jessica, Matt, Madeline, and Olivia can attest that learning within a community of practice led them to be aware of their professional identities which affected their behaviour as family law practitioners.

Schugurensky (2000) developed a taxonomy which identifies three ways in which social learning can occur. These are: self-directed learning, incidental learning, and socialisation. The participants in my study, engaged in these three types of informal learning. As my participants engaged in self-directed learning, they sought advice from more experienced members of their team. Such forms of advice could be in relation to a technical issue or how to deal with a difficult Judge at court. Practitioners wanted to learn by seeking the assistance of those with experience rather than from a formal educator (Schugurensky, 2000). In these instances, family law practitioners would seek advice with the intention to learn how to improve their performance on the job. The second type of learning in Schugurensky's (2000) taxonomy is incidental learning which refers to the situation in which the learner did not intend for learning to take place but became aware following the event that learning had taken place (Marsick & Watkins, 2015). A case in point was when participants discussed situations where they engaged in casual conversation with co-workers about their unawareness that court fees had increased. By the end, they obtained information on implementation of increased court fees for divorce petitions. The third type of learning is socialisation. With this form of informal learning, individuals have no a priori intention of internalising values and behaviours that occur in everyday life, nor are they aware that they learned something (Schugurensky, 2000). My participants perhaps engaged in this type of informal learning mainly as they joined communities of coping. It was during discussions in these communities that participants recalled they learned about the culture of the firm such as the language, dress code, expectations, and behaviours.

Social learning in communities of practice are spontaneous and informal. Therefore, it is difficult for management to supervise and control them (Wenger

& Snyder, 2000). It is debatable whether management should have an active role in encouraging and developing communities of practice (Handley et al., 2006). However, some predict that lack of management support for communities of practice would result in failure of those communities of practice (McDermott, 2000). Herein lies the paradox about such communities in the workplace (Kerno, 2008). In law firms, one reason for this paradox is the concern of demands and constraints on time. Family law practitioners are fee earners which mean they must earn fees from cases and clients each day. As such, they must account for their time to justify that they are utilising and maximising chargeable time. Constraints such as these do not allow practitioners to spend time on client expectations. Such a constraint challenges the management of communities of practice with respect to dealing with clients. As Kerno (2008) argues, availability of time for members of the community to engage in discussions and activities that are necessary to nurture and develop the community is absent. Given this paradox, I now turn to address how communities of coping were experienced by family law practitioners.

7.3.3 Experiences of communities of coping

Working within a community of practice is not without its challenges. As an example, a community of practice does not comprise a homogenous group of people (Dyck, Starke, Mischke & Mauws, 2005). There is considerable variation surrounding how communities of practice are described and characterised in terms of their differences in what constitutes a community (Handley et al., 2006). As communities of practice are heterogeneous, they possess the potential for tension and conflict (Handley et al., 2006). Furthermore, the conflict exists because members can belong to more than one community each with its own practices and identity structures. In the case of family law practitioners, members could include supervisors whose beliefs may conflict with those of members who are not supervisors (Wenger, 1998). Conflicts arise because of how one manages one's roles and relationships within communities of practice. Here again lies the importance of professional identity. In this case, there is the potential that individuals may compartmentalise their practices in each community (Wenger, 1998).

Perhaps family law practitioners adopt and adapt different forms of professional identity within different communities of practice in their firms (Handley et al., 2006; Mutch, 2003). Members of communities may come from multiple communities of different business functions (Mutch, 2003), expertise (Swan, Bresnen, Newell & Robertson, 2007), or hierarchical positions (Schein, 1996). From their varying experiences they are likely to have developed their own unique ways of thinking and beliefs, which may influence their appreciation of other people's roles and contributions (Hong & O, 2009). An individual may engage in a continuous process of negotiation and renegotiation of identity within and across multiple communities of practice. This phenomenon of changing professional identity is seen in newcomers who experience conflicts of identity if they are required to assume or adopt a role or practice (Ashforth & Humphrey, 1993). A case in point in my study was when Emily was expected to adopt the role of aggressive fee earner which conflicted with her understanding of the role. She noted,

"I don't think I was the right fit for the firm. I didn't have that thick skinned, go-for-it...I didn't have the same confidence as them. I think in order to have confidence you've got to believe it and I didn't believe it. I didn't believe some of the cases that I ran. I just...yeah.....their views and morals conflicted with mine most definitely and I think just generally they did".

As a result of this, Emily was aware that her professional identity was different to those of her colleagues. When offloading with colleagues, Emily tried to adopt a professional identity that would align with other colleagues. However, this only reinforced her view that she did not fit in at the firm. Two other participants discussed adopting different professional identities to fit in with the members in a community at work. In adopting different identities, it also impacted on the level of participation in which the family law practitioners engaged.

In addition to professional identity, consideration should also be given to the level of participation in which participants engaged in the community. The level of participation undertaken by an individual is contingent upon the member's familiarity with the group. Wenger-Trayner and Wenger-Trayner (2015) identify five levels of participation (see Figure 2.3, Chapter 2). The family law

practitioners in my study occupied a range of levels of participation. Interestingly, the partners, Charles, Madeline, and Olivia felt that their level of expertise was helpful for practitioners in their departments. Thus, it appears that they may class themselves as core participants. Matt, Mary Jessica, and Judy indicated that they would regularly offload with colleagues and would often have colleagues offload with them. This could put them in the active participant category. Participants such as Emily and Ann stayed on the periphery of the community. For Emily, this was since she did not feel she fit with the firm. In Ann's case, she was a newcomer who was not yet comfortable offloading in the community.

Based on the understanding that communities of practice enable members to participate in collective learning processes, participants felt that they could also lead to conflict and tension. The findings in my study show that some participants were reluctant to share knowledge fully. This is because of a fear that perceptions of them would change. In Emily's case, she admitted to restricting the information she would share with colleagues and only share her positive experiences. This enabled Emily to maintain outside perceptions that she was competent and confident. For Ann, she acknowledged that she would not offload or engage in communities of practice that included senior members of staff. Instead she only offloaded to colleagues who also held the same job title. Again, this enabled Ann to maintain perceptions of her competence. It appears that participants understood the potential challenges in these communities to get the most out of them (Brown & Duguid, 1991; Lave & Wenger, 1991).

Apart from difficulties due to conflicting identities and levels of participation within a community of practice, there is also the notion of power dynamics within the community. Differences in power status can enable one member in the community to be dominant and pursue political agendas, perhaps at the expense of a less dominant member (Hong & Snell, 1008; Vince, 2001). Senior members may wish to continue and reproduce organisational process, rhetoric, and ideologies to new members to ensure the status quo and reinforce privileged power positions (Currie & Brown, 2003). In Emily's case, it appears that the community of practice was utilised to acculturate new

members into the organisation's aggressive culture. The established or core members of the community used their power status to reinforce attitudes and expectations in relation to organisational culture. Emily did not feel that she could show emotions which could be perceived as though she was weak or vulnerable. Maybe such a behaviour did not align with an aggressive culture of the firm. So, Emily learned not to engage fully in communities of practice for fear that she might display such emotions. Instead she offloaded at home in an environment which did not have power status. Identity conflict and power status within communities of practice have a substantive influence on the extent to which members share and seek knowledge. If conflicts or tensions exist in communities of practice, one wonders to what extent can members rely on knowledge or experiences shared.

Given that supervisors have power and status over subordinates, then subordinates are expected to comply with expected display rules. As such there is the need to demonstrate and reinforce a harmonious relationship between them (Li & Liang, 2015) given that social stratification is created in a work environment through daily interactions (Goffman, 1956). Emotion management theorists such as Hochschild (1983), argue that social stratification is maintained as lower status employees meet the emotional needs of superiors who are perceived to have higher status. However, Humphrey (2012) noted that subordinates should have emotional expectations of their supervisors since supervisors should positively interact with subordinates through individual emotional expression to achieve a good working relationship and organisational objectives.

Both Ann and Matt identified a degree of uncertainty and challenge in their firms because expectations varied depending on where those expectations originated. While the immediate superior can be emotionally supportive, the Head of Department might be more proactive, emotionally detached, and practical. Matt himself strategically used display rules that reflected the objectives of management. He adhered to the expectations of his immediate superior who was in his office rather than to those of the Head of Department who was in Head Office located in a different part of the country. Matt perceived this difference in expectations as challenging due to the power

dynamics among management personnel of law firms as well as between management and legal practitioners. Matt felt that client expectations were more important than expectations of the firm. In this case, herein lies the discrepancy in display of emotions between the family law practitioner and different levels of management. Within the context of communities of coping, Matt may have struggled in a situation in which both his immediate line manager and the Head of Department were members of the same community. Now, I turn to discuss how my participants experienced support in such communities.

Undoubtedly, my participants found value in offloading at work or at home. However, they still made strategic decisions regarding offloading. Such strategic decisions were based on the belief that a power dynamic existed in their firms due to organisational politics. For instance, Charles offloaded with other partners because of organisational politics involving his position as partner in the firm. Matt, on the other hand, practised selective offloading with specific colleagues and in this way, he did not feel the need to filter the information he shared. Maybe he found it stressful at times to look for support because the act and effort of expressing himself is considered taxing on his time and attention (Bolger, Zuckerman & Kessler, 2000). Emily admitted to restricting the information she shared by limiting her discussions with co-workers and supervisors. She did this to preserve her professional standing. Emily also used social support as a strategy to create positive impressions and build networks. The strategies employed by my participants revealed that there is more than one method by which family law practitioners coped with stressful events. People decide on the social support they use based on the nature of the relationship they have with their social networks (Kim, Sherman & Taylor, 2008; Seeman, 1996; Thoits, 1995).

Seeking social support in communities of practice can be influenced by organisational politics. Such politics is a type of elusive power within an organisation (Vigoda-Gadot & Talmud, 2010) and it is characterised by interpersonal relationships of employees who engage in influencing tactics and power struggles. Again, Emily's and Charles' strategies mirrored such behaviour. Typically, tactics and struggles are intended to maximise personal

interests or avoid negative outcomes within the organisation (Kacmar & Ferris, 1991). As such, an employee may consider social support as overly intrusive and a source of stress (Shumaker & Hill, 1991). Furthermore, the employee may consider supportive efforts by others as controlling and interfering (Lewis & Rook, 1999) or misplaced or different from that which is required (Thoits, 1986).

Individuals respond in different ways when they experience conflict within a community of practice to send a message to the members of the community. Emily appeared to deal with a form of conflict within the community at her workplace when she chose to avoid engaging with the activities of the group. There is a cultural richness in communities of practice which belies the assumption that the communities are homogenous social contexts (Swan, Scarborough & Robertson, 2002). Although Wenger (1998, p. 2) characterises communities of practice as having 'mutual engagement', 'joint enterprise', and 'shared repertoire', he does acknowledge the possibility of conflict within the communities. He further argues that intra-personal tensions could occur within communities of practice as individuals continually negotiate and renegotiate their professional identities both within and across communities of practice. These tensions may lead to instabilities within communities of practice.

Complex emotions can result from conflict as seen in my study. The community of family law practitioners experience, not only conflict with client expectations, but also with the expectations of other stakeholders. Certainly, emotions can both cause and escalate a conflict and notably emotional resolution and feeling better about the conflict can aid to resolve the conflict (Schreier, 2002). Shaprio and Fisher (2005) found that negative emotions can impede integrative negotiations and positive emotions can enhance the negotiation process. As such, all accredited family law mediators must carry out a series of training courses which contain training on negotiation and communication techniques as well as how to deal with high levels of emotions (Lund, 2000). Nevertheless, as Handley et al. (2006) argue, there is potential for tension and conflict within communities of practice. They rationalise that during their professional life, individuals may participate in more than one community each one having different practices and identity structures. I found

that some of my participants who held dual roles or professional identities experienced such conflicts. Those participants were either managers or managers and family law practitioners. Charles, Olivia, and Madeline were those with dual professional identity.

In discussing my participants' experiences of communities of coping, I uncovered issues that could lead to tensions and conflict. At times, family law practitioners could experience tension and conflict from professional identity conflict depending on which members were in the community of practice. Further, participants felt that their level of participation in communities were an opportunity to reinforce position perceptions. This view meant that family law practitioners were mindful of the type of information they shared in such communities. This finding lends itself to question the extent that members can rely on knowledge or experiences shared. My participants were aware of power dynamics within communities of coping, which again impacted the decisions they made in relation to what they felt they could share with colleagues. All these factors had an influence on how my participants viewed social support in communities of coping. In understanding such experiences of family law practitioners, some consideration should be given to the culture in which they work. Examining the family law culture could provide insights into the working conditions and expectations for the family law practitioner.

7.3.4 Family law culture

It is pertinent to examine family law culture as separate to legal culture. Internal culture refers to values, attitudes, and habits whereas external culture refers to society's attitudes towards law (Chan, 2014). My understanding of family law culture enables me to explore and explain the perceptions of my participants. The role of the family law practitioner is unique due to the emotive nature of the work. For some practitioners, it is a chance to help someone out of a bad situation. For others, it is to achieve a just outcome in unfair circumstances. In all circumstances, my participants said that they enjoyed practising family law. As a community of practitioners, they are expected to collaborate and share information. In closer communities of practitioners, trade

secrets are shared. However, things start to change for practitioners as they comply with expectations of a business.

Family law practitioners are socialised into the legal culture before they are socialised into the family law culture. The act of becoming a lawyer entails a range of socialisation which aims to establish professional identity formation (Sommerlad, 2007). Before family law practitioners work in family law, they are socialised to be professional and use logical, rational reasoning with clients (Kadowaki, 2015). Furthermore, they are taught that professionalism means to be unemotional. On entering family law, they are socialised to be empathetic and sympathetic as they deal with emotional clients. The discrepancy between formalist ideas of the legal profession and the reality of working in an emotive area of law are obvious. Family law practitioners are required to work in an emotive field within emotionless firms. Additionally, some law firms are now managed by a corporate body, rather than partners who progressed their way through the legal profession. Thus, there is a distance between the corporate body, whose responsibility will be to ensure the firm is run in an efficient and profitable way, and the family law practitioner who is representing a domestic abuse client.

Family law practitioners are subject to billing targets. The pressure to achieve billing targets is immense as described by several my participants. In order to deal with this pressure, a culture is formed whereby practitioners become protective of their caseload. They are reluctant to take holidays in case they lose a client, or they are prepared to work long hours in order to keep on top of their large caseloads. They are constantly under a supervisor's gaze. Legal aid rates are a fraction of what a practitioner can charge private clients. Practitioners with high legal aid caseloads, then, must ensure that they bill almost twice as much to reach the target of a practitioner who solely works on cases which are privately funded. This practice inevitably creates tension and conflict within the culture of the firm as practitioners compete for private paying cases. The consensus is that more experienced practitioners are given the premium, privately funded cases as clients expect expertise and experience from their lawyers. Thus, in a cyclical manner, the more experienced practitioners are more capable of achieving billing targets due to the type of

cases they hold and as a result, continue to be allocated the premium type cases. Herein lies the conflict and tension. The culture of the firms in which my participants were employed was such that legal aid practitioners felt that their supervisors were not supportive in terms of allocating cases that could enhance their billing targets.

As legal professionals, family law practitioners are also part of a culture that demands expertise and excellence. Where salaries are set based on the billing target, it is up to family law practitioners to demonstrate their worth and ability. Such demonstrations give the impression of competence. A competent legal practitioner will develop a good reputation and progress through the ranks in the firm. A family law practitioner who is perceived to be overly emotional or incapable of billing efficiently will not progress as easily. Although, family law practitioners are encouraged to work collaboratively, they cannot do this without consequence. There is an unspoken competition relating to the type and quality of work carried out by family law practitioners.

Family law culture presents some difficulties for practitioners. The contradictory rules and practices do not enable family law practitioners to carry out their roles in a straightforward manner. The culture reinforces issues surrounding power dynamics, which in turn influences professional identity and participation in communities of coping. Due to the competitive nature of family law, their experiences of lack of social support. The unique nature of family law means that they do not experience communities of coping in the same way as other professions. In the remaining part of this chapter, I discuss my conceptual model of display rule conflict and coping among family law practitioners.

7.4 Conceptual model of display rule conflict and coping among family law practitioners

The findings and extensive discussions thus far have enabled me to extract the nuances and emotional complexities family law practitioners face when complying with multiple and varied display rules. Further, the informal ways of coping with tensions that arose from display rule conflict revealed further emotional complexities for my participants as they deal with influences of

power dynamics, professional identity, and lack of support. This has led me to develop a new conceptual model (Figure 7.1 below) which builds on pre-existing research in this area. As I developed my conceptual model of display rule conflict and coping among family law practitioners, I reflected on:

- The interviews I obtained from the participants in my study
- Findings from my analysis, and
- Responses to my research questions

My conceptual model represents the outcome of my research. It shows the four themes which emerged from my data which were expectations, professional identity, support by offloading, and learning. Such themes were identified as my participants discussed their interactions at work, the ways in which they managed their emotions and the emotions of others at work and how they dealt with managing emotions at work. A distinct point to note was the unique context of family law practitioners. For many participants, they worked in firms with a corporate ethos, which essentially was at odds with the ethos of the family law department. The common thread running through my findings was that of learning. It was through learning that my participants were able to recognise expectations from stakeholders and display rule conflicts in various forms and find ways of coping with such conflicts. Thus, the theme of learning is at the nexus of the other three themes.

The four themes were significant in that they enabled me to make sense of the types of display rule conflicts that my participants experienced and how they coped with such conflicts. Notably, they experienced both intra and inter display rule conflict when interacting with different stakeholders. The family law practitioners in my study confirmed that range of emotion expectations from stakeholders and the potential difficulties of complying with and prioritising sometimes competing expectations. Participants also revealed how their professional identities were influenced by the role of emotion in their roles and profession. Interestingly, for some participants, they experienced role conflict as they found it difficult to reconcile emotion expectations within their various roles. Further, my participants shared experiences of how they coped

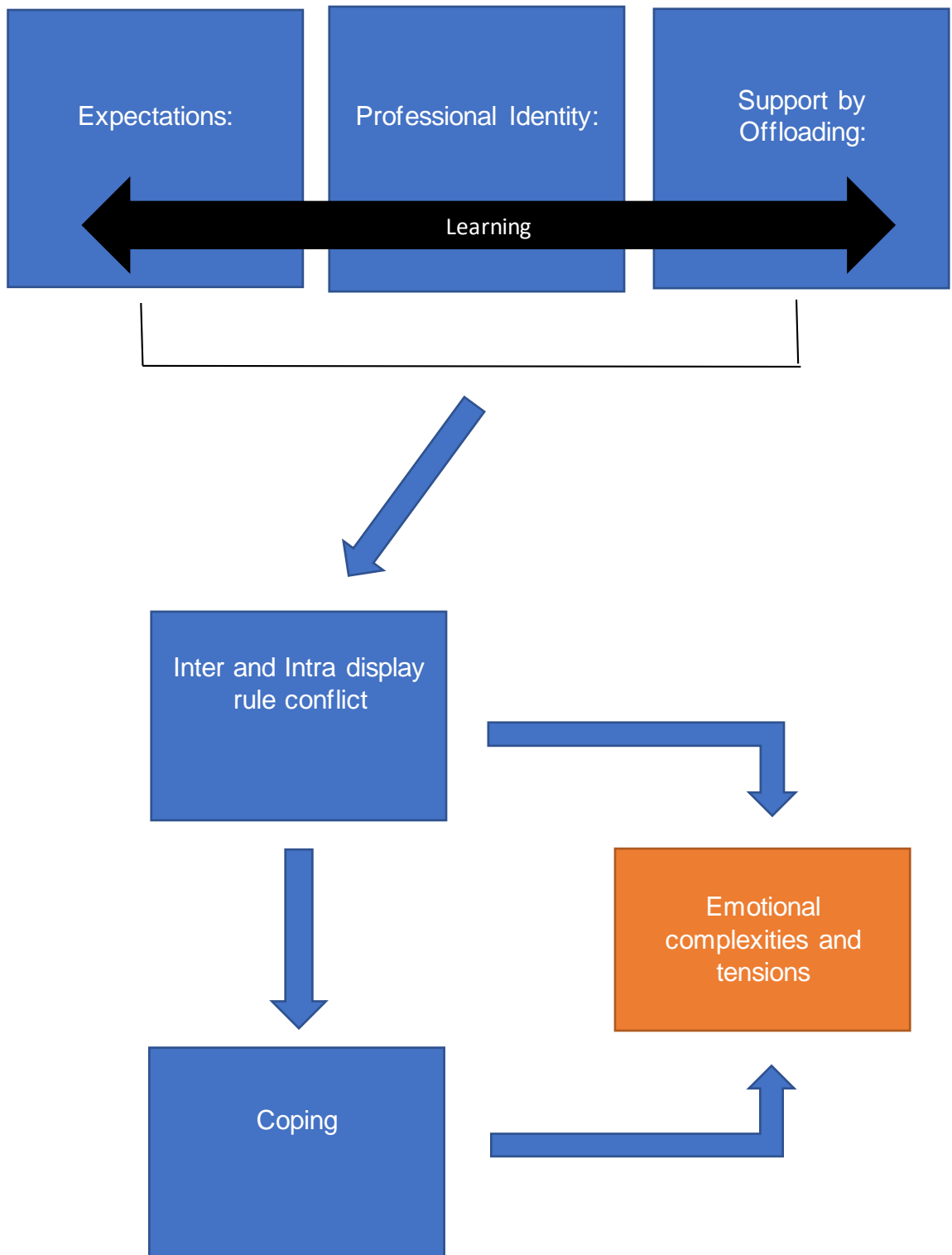


Figure 7.1: Conceptual model of display rule conflicts and coping

informally when complying with multiple display rules. As I explored this theme further, I discovered further layers of emotional complexities involved for family law practitioners, as some participants admitted that factors such as power dynamics and lack of support meant that they were mindful to offload with trusted others.

As I concluded discussing my findings, I was able to extract the emotional complexities experienced by family law practitioners, not only when dealing with display rule conflict, but also when coping with such conflicts. This is a significant development from my study and one which should be explored further and in different contexts. It is within these informal coping settings when participants relayed other forms of inter display rule conflict in their boundary spanning roles. Further, within such informal communities of coping, the family law practitioners offloaded their pain but did not necessarily adopt roles of formal toxin handlers. This is because of family law culture which prioritises chargeable time and perceptions of competence over creating a supportive space. Although a great deal of learning took place in informal communities of coping, factors such as identity conflict and power dynamics meant that participants censored the knowledge that they shared in order to maintain external perceptions such as competence. I synthesised these insights into a conceptual model which captures the far-reaching impact of display rule conflict and coping informally. I now proceed to chapter 8 in which I discuss my contributions to knowledge and practice, the limitations in my study, ideas for future studies, and my reflections and final thoughts.

Chapter 8: Conclusion

The purpose of this study was to explore the experiences of display rule conflict among family law practitioners and how they dealt with such conflicts. I utilised a methodological approach of Gadamerian hermeneutic phenomenology to explore this phenomenon in which I employed semi-structured interviews to obtain data. I analysed my data by both inductive thematic analysis and a qualitative hermeneutic phenomenological research method and obtained four themes: expectations, professional identity, support by offloading and learning. As I conclude my thesis, I bring together and summarise my work. Firstly, I outline my approach to addressing the research questions. I then confirm how I achieved the aims and objectives, and how I addressed my research questions. Then I demonstrate the significance of my study. Next, I discuss the contributions that my thesis makes to knowledge, theory, and practice as a result of my findings and conceptual model. Following this section, I identify the limitations of my research and suggest future research that can further expand on mine and add to the knowledge based on display rule conflict among legal professionals. Finally, I reflect on my journey as I conducted this study.

8.1 Rationale and approach to addressing the research questions

In this section, I outline my rationale and approach to addressing my research questions. To address my overall aim, I had three objectives. These objectives led me to two research questions, which are summarised in Table 8.1 below.

The aim of my study was to explore the experiences of display rule conflict of family law practitioners at work and to gain insights into how family law practitioners cope and deal with display rule conflict. To enable me to understand the experiences of my participants, I carefully chose my research philosophy based on my beliefs and assumptions about the development of knowledge (Saunders, Lewis & Thornhill, 2009). In developing new knowledge in the field of display rule conflict among family law practitioners, I made several assumptions (Burrell & Morgan, 1979). These include assumptions about human knowledge, the nature of my reality, the extent of and the ways

Aims	The aim of my study was to explore the experiences of display rule conflict of family law practitioners at work and to gain insights into how family law practitioners cope and deal with display rule conflict
Objectives	<ol style="list-style-type: none"> 1. Understand experiences of display rule conflict among family law practitioners 2. Explore the ways in which family law practitioners deal with display rule conflict 3. Evaluate the influence of display rule conflict on family law
Research Questions	<ol style="list-style-type: none"> 1. What are the experiences of display rule conflict for family law practitioners when interacting with different stakeholders? 2. How do family law practitioners deal and cope with display rule conflict in the workplace?

Table 8.1: Summary of aims, objectives, and research questions

in which my own values may influence my research, and my position in my research.

To align with my views as to how knowledge is generated, I adopted a social constructivist epistemological stance. This stance was supported by my view of the nature of reality which is that people have different perceptions and experiences of the phenomenon. Thus, I adopted a realist ontology. Due to my previous extensive experience of being a family law practitioner, I was mindful of the influence my pre-existing understandings could have on my research. Such pre-understandings were embraced and thus, I acknowledged that my personal values could influence a range of steps including how I conducted the research and what I valued in the findings. My value-laden axiological assumptions then enabled me to accept that the experiences and values of both myself and my participants could influence the data collection and analysis in my study (MacIntosh & O’Gorman, 2015). Following on from this, I adopted an emic perspective to carry out this research as a previous member of the family law profession. Such a perspective enabled me to capture the indigenous meanings of real-world events from family law practitioners (Yin, 2010) and look at the phenomenon through their eyes

(Coulacoglou & Saklofske, 2017; Willis, 2007). An emic perspective is grounded in a phenomenological view of the universe.

My research philosophy and assumptions led me to choose an interpretivist research paradigm so that I could gain insights into my participants' experiences from their perspectives. As I aimed to understand the nature of the phenomenon of display rule conflict as experienced and interpreted by family law practitioners, I adopted a Gadamerian hermeneutic phenomenological approach to my research. Such an approach enabled me to embrace my pre-understandings and experiences as a family law practitioner. A hermeneutic phenomenological approach empowered me to gain rich accounts and insights of experiences, interpretations, and perceptions from research participants. This methodological approach focuses on the duality of the 'daesin' which is the mode of being human and the situated meaning of a human in the world (Lavery, 2003). For Heidegger (2008) the concept is about being in the world and in understanding one's place in the world, one cannot adopt the notion of reduction and attempt to explore consciousness separate from the world in which the person is situated. Instead, Heidegger (2008) argued that understanding one's place in the world and the place of other beings is achieved through a focus on average everyday interactions. Thus, our experiences as social beings should be understood within the context in which they happen (Shaw, 2010). Furthermore, historicity or presuppositions of understanding facilitates interpretation (Heidegger, 2008). My emic perspective brings to the fore my historicity and extensive experience of being a family law practitioner which facilitated my identifying and interpreting the experiences that my research participants related to me.

Utilising a Gadamerian hermeneutic phenomenological approach to my research has enabled me to gain in-depth and meaningful insights into the phenomenon of display rule conflict and coping among family law practitioners. I established that the boundary spanning role of the family law practitioner is complex and unique as they navigate their way around multiple and often competing display rules. Due to the span of stakeholders with their own

emotional expectations, the role of the family law practitioner can be described as a complex intervention (Thirsk & Clark, 2017).

Gadamerian hermeneutic research has aided me to understand such a complex context in four ways. Firstly, due to Gadamer's (2004) focus of human experience, I have gained understanding of the phenomenon of display rule conflict and coping among family law practitioners. Each of the participant's experiences of display rule conflict and coping contributed towards my overall understanding of the phenomenon. Secondly, with the focus on the topic of display rule conflict and coping, rather than the experience of it, a Gadamerian hermeneutic perspective allows for contradictory findings to be reconciled. In this way, any differing accounts of experiences of display rule conflict or coping revealed the nature of the complexity of the phenomenon. Thirdly, my pre-understanding was used to help me to understand the phenomenon in ways that would not have been otherwise possible. This meant having to balance what I already believed while being open to what might be different or new. Fourthly, the rigour of hermeneutics is not claimed because of the number of participants or data saturation. Rigour in Gadamerian hermeneutics is achieved by the amount of new information that the researcher gathers. Thus, even a single experience of a complex intervention can shed new light on an aspect of the intervention that could lead to greater understanding of the whole intervention (Thirsk & Clark, 2017).

In my study, a Gadamerian hermeneutic approach has enabled me to find new information and understanding of display rule conflict and coping among family law practitioners. Given the allowance for pre-understandings in my study and the possibility of researcher bias, I engaged with self-reflection, which I discuss further in section 8.6 below. As I have confirmed my rationale and approach to addressing my research questions, I now demonstrate the specific achievement of the aims, objectives, and research questions in my study.

Having reported my findings in chapter 5, I chose to answer my two research questions in separate chapters. In chapter 6, I addressed my first research question regarding the experiences of display rule conflict for my participants. In chapter 7, I answered my second research question relating to coping

mechanisms utilised by my participants. In addressing my first research question, I explored the experiences of display rule conflict of my participants. In order to do this, I focused on the first objective – to understand experiences of display rule conflict among family law practitioners. Following semi-structured interviews with ten participants, I utilised a combination of thematic analysis and a qualitative hermeneutic phenomenological approach to data analysis. Employing the two-stage method of analysis led the way for systematic identification of the participants' interpretations and experiences which were then layered with my own understandings, interpretations, and experiences (Ajjawi & Higgs, 2007). Initiating the hermeneutic circle led me to interpret the text of the transcribed interviews which involved a movement between the data and whole context, each giving meaning to the other such that understanding is circular and iterative (Bontekoe, 1996). I strove to understand the lifeworld of my participants as I explored the stories of their expectations. As I immersed myself in the text, horizons fused as I looked for experiences of display rule conflict and ways in which my participants coped with them (Vessey, 2009). In this way, I gained new interpretive understanding through self-reflection and discussion with participants.

Findings in relation to my first research question demonstrated that my participants experienced display rule conflict at work. My participants reported experiences of display rule conflict in relation to the various emotional expectations of them, their professional identity, and learning in the workplace. Following extensive analysis of these findings and themes, I revealed the layers of emotional complexity when participants experienced intra display rule conflict when complying with one display rule. I then built on these complexities by uncovering the depth of emotional demands that existed in inter display rule conflicts as my participants complied with two or more display rules simultaneously. I came to a new understanding of the extent of the emotional complexities that arose for family law practitioners as they experienced tensions and conflicts stemming from inter and intra display rule conflicts. Further, I recognised that such levels of emotional demands could result in organisational pain for family law practitioners. In this way, I explored how family law practitioners seem to take responsibility for their own pain, rather

than seeking out or adopting the role of formal toxin handler in the firm. The discussion revealed a new understanding of the level of emotional complexity for family law practitioners in their intricate roles.

In relation to my second research question, I focused on the ways in which family law practitioners coped with intra and inter display rule conflict. Here, I focused on the remaining two objectives (see Table 8.1). As far as coping with display rule conflict, my participants discussed themes of support by offloading and learning from each other. I discussed the formal and informal coping mechanisms utilised by my participants. Interestingly, my participants did not welcome the idea of utilising formal means of coping at work. This is because they felt that it did not align with their firm culture which frowned upon colleagues having informal discussions. Instead, they coped informally either with colleagues or at home. My participants created or became involved in communities of coping whereby they offloaded with colleagues about their experiences. However, my discussion exposed another new understanding of how family law practitioners experience communities of coping. For my participants they experienced some tension and conflict tantamount to inter display rule conflict in such communities. Such tensions appeared to result from power dynamics, levels of participation in communities of coping, conflicting professional identity and perceptions of a lack of social support in these communities. These factors meant that family law practitioners were not able to benefit fully from communities of coping. Having established how I addressed my research questions I now turn to highlight the significance of this study.

8.2 Significance of this study

The significance of findings from my study contributes to knowledge in four ways. Firstly, it confirms experiences of inter and intra display rule conflict. Secondly, it reveals the emotional complexities that family law practitioners deal with daily as they carry out their boundary spanning role. Thirdly, my study reveals a relationship between display rule conflict and professional identity. Fourthly, my work demonstrates that family law practitioners experience display rule conflict even when attempting to offload with colleagues. The

significance of my study can be transformative for HR professionals in law firms. My findings reveal empirical evidence of new information and experiences of display rule conflict. Human resource (HR) practitioners and management should pay greater attention to the phenomenon of display rule conflict, particularly as this concept is not expressly discussed or taught.

Family law practitioners do not generally receive training on emotion management or how to deal with conflicting demands on their emotions. It is pertinent from an HR perspective to understand the emotional complexities that exist for such employees. Emotion work itself can lead to both positive and negative outcomes which should be acknowledged in the workplace. Awareness and acknowledgement of potential outcomes of display rule conflict will better facilitate improved management of a diverse and global workforce. This is something that should be rectified so that employees are better equipped to deal with any conflicting demands at work. Additionally, such knowledge could help to develop more bespoke training for family law practitioners given their unique context.

My study exposes the depth and breadth of display rule conflict as it incorporates both inter and intra-display rule conflict. Greater attention should be paid to instances where display rules can potentially conflict, whether within the same rule or when used simultaneously with another display rule. Such levels of conflict can be difficult to reconcile if there is lack of training, guidance or experience when dealing with diverse display rules concurrently. Furthermore, formulating and implementing effective human resource policies to include display rule conflict training would ensure that employees are appropriately equipped to make suitable decisions based on their emotions as they conduct their business. Effective human resource policies that include an awareness and acknowledgement of display rule conflict in relation to areas such as recruitment, selection, training and rewards may assist in the overall improvement and enhancement of employee well-being and engagement. Findings from my study can help family law professionals to self-regulate their profession (Harris, 2002) and be more aware of the benefits of socialisation in coping with display rule conflict.

The study further reveals a relationship between display rule conflict and professional identity, particularly where family law practitioners assume a variety of professional identities. Family law practitioners may identify with their role as family practitioners within the firm, as legal representatives for clients, or as practitioners within the profession (Ashforth & Humphrey, 1993). As such, in assuming these various roles and identities, family law practitioners may comply with multiple display rules simultaneously which may lead display rule conflict. This may apply more so to employees such as partners, who occupy a range of roles at work. It is important for HR practitioners to be aware of such influences on employees, especially from a well-being perspective. My study demonstrates the potential impact of professional identity conflict and the ultimate decision to leave the profession.

The findings in my study demonstrate that family law practitioners employ informal coping strategies to deal with their experiences of display rule conflict. Further, family law practitioners may prefer to discuss how to cope communally in the workplace or waiting areas at court, to share their experiences (Sturdy & Fineman, 2001). However, legal culture does not encourage lawyers to share experiences with colleagues because it is not considered as a good use of chargeable time (Apistola & Gottschalk, 2011). Family law practitioners may benefit greatly from creating communities of coping at work in which they can share experiences and learn how to deal with any display rule conflict. This knowledge is useful for HR professionals who can facilitate in creating and changing workplace culture. Such a change in workplace culture, would give family law practitioners the emotional permission they want to feel able to offload with experiencing tension or pressure. Next, I discuss the contributions from my study.

8.3 Contributions

This study has explored the experiences of inter and intra display rule conflict among family law practitioners and how they deal with such conflict. In this section, I discuss my contributions to context specific knowledge of family law practitioners, to family law practice, and to emotion work theory. The contributions align with my research questions, aims, and objectives in that I

have created new knowledge based on the experiences of the participants in my study. Experiences revealed by my participants provided invaluable insights into how family law practitioners engage with display rules as well as communities of coping.

8.3.1 Contribution to context specific knowledge of family law practitioners

My study makes three contributions to knowledge of family law practitioners. Firstly, it contributes new knowledge that emotion work among family law practitioners is rich with emotional complexities. Research in the legal profession to date has not focussed on family law practitioners (Kadowaki, 2015) and so I have shed light on such complexities. Furthermore, there has been few studies on the various display rules and emotional expectations of clients that may influence how lawyers perform on the job (Elbers et al., 2012). My findings indicate that my participants experienced emotional complexities which stemmed from conflicts and tensions created when they complied with multiple and competing display rules.

Secondly, it contributes new knowledge in that family law practitioners experience display rule conflict when they comply with various display rules. Participants experienced these conflicts when they complied with one rule or several rules simultaneously. However, greater emotional complexities and tensions existed for participants when they complied with multiple and competing display rules. My participants struggled with satisfying varying emotional demands in their varied roles, which often caused them to undergo internal clashes. New knowledge in this area explains these complexities of emotions that result from conflicts of various display rules. This knowledge can now be positioned as a start towards identifying specific sources of variability in the emotion-management demands of work roles, which until now has been lacking (Wharton & Erickson, 1993).

Thirdly, my study contributes new knowledge in relation to the concept of communities of coping among family law practitioners. To date communities of coping has remained prominent in front facing customer studies. Although research into other occupational groups has highlighted the benefits of coping

communally through informal communities of coping (Sturdy & Fineman, 2001; Kobasa, 1982), I found that my participants did not primarily utilise communities of coping for support. In my study, although communities of coping were formed initially to offload, they served a different function which involved knowledge sharing and learning. It appears that family law practitioners did not choose to let their guard down to give the impression that they needed help and support. Rather, due to factors such as power dynamics, participants admitted that they did not share full accounts of knowledge and experiences within such communities as they wanted to maintain their own power status within the group. As a result of this motive, my participants did not feel that they could obtain genuine support in such communities. This is a significant finding in this area as it sheds light on the quality of knowledge and experiences shared in such communities.

It was an interesting finding that family law practitioners did not utilise communities of coping for support. It may be that family law practitioners do not feel encouraged or supported to form and utilise such communities. Further, I identified that where participants experienced organisational pain, they did not seek or adopt the role of formal toxin handler. If this is the case, then this knowledge is important for managers and practitioners to consider a range of more suitable support options for employees. I acknowledged that a family law partner, or a colleague who is a supervisor, may adopt an informal toxin handler role as part of wider workplace discussions building on current literature in this area (Ward & McMurray, 2015; Frost, 2004).

8.3.2 Contribution to family law practice

Gaining a more holistic understanding of the intra and inter display rule conflict phenomenon has implications for family law practitioners. These implications apply to practice in law firms, law schools, client satisfaction, employee well-being and organisational culture. The potential for display rule conflict should be incorporated in areas such as law school curriculum, training, culture, recruitment, selection, performance, and workplace support. Currently, it appears that instructions and knowledge in this area are lacking. Training should be developed not only to acknowledge these emotional complexities

but also to achieve an acceptance of them. Incorporated into this training could be the topic of how emotion complexities stemming from display rule conflict can influence employee well-being, including mental health. This training could start from law school as a specific topic for all legal disciplines.

Besides training in law school, there are opportunities for training within the workplace and as part of continuous professional development. In the workplace, management options could involve more specific conflict training or change in the firm culture for informal discussions to take place. Such training either in law school or as part of continuous professional development could provide everyone associated with the family law practitioner with relevant skills to practise emotion work more effectively to satisfy stakeholders. An acknowledgement of the potential issues and conflict training to learn techniques and strategies to deal with display rule tensions could help an inexperienced practitioner to cope with issues that may arise. Additionally, family law practitioners may gain skills to ensure that they make effective use of emotion work techniques to improve their professional reputation while securing repeat business and customer satisfaction. There is a growing need for HR departments to foreground the management of emotions on their agendas. It is established in literature that displaying appropriate emotions to clients could enhance positive attitudes towards the employee and the organisation (Pugh, 2001).

Such training could seek to alter an organisational culture that shuns the use of emotion when dealing with emotive issues. Strategic HR professionals can facilitate culture change within organisations to create a truly supportive environment so that legal practitioners can offload with peers. It is important for scholars within the fields of business and legal studies to understand and appreciate the family law practitioner's unique relationship with emotion management and its influence on the practitioner. In relation to business studies, managers or HR professionals should seek to understand the intricacies of the role of family law practitioner to manage employees more effectively. Regarding legal studies, such knowledge is imperative as students start a socialisation process into the profession.

HR professionals are urged to understand the unique family law practice culture. Factors such as power dynamics and professional identity conflict ensure that these family law practitioners focus on themselves as individuals. Family law practice culture, in my study, was found to be individualistic as a result of pressures from achieving financial targets, time targets, and building and maintaining a client base. Such pressures do not lend themselves to a communal way of working where the focus is on the well-being of others. In my study, intra and inter display rule conflict had significant negative impacts on the well-being of some participants. HR professionals have a fundamental duty of care for the physical and mental health and well-being of their workforce. An organisation with a focus on employee health and well-being will not only benefit the employees but would foster organisational success by increasing organisational performance and employee engagement.

8.3.3 Contribution to emotion work theory

This study makes two contributions to build on extant literature on the theory of emotion work. The first contribution pertains contextually to how family law practitioners utilise emotion work strategies as they comply with one or more competing display rule. As there are few studies which focus on the emotion work of family law practitioners, this contribution is significant as it provides insights into how emotion work is utilised in a specific profession. Findings in my study revealed the experiences of inter and intra display rule conflict for family law practitioners. My participants experienced tensions and conflicts when complying with multiple display rules as well as when they engaged in communities of coping. Such tensions and conflicts revealed a deep level of emotional complexities particularly for participants complying with multiple and competing display rules. For one participant, it caused her to leave the profession. The influence of intra and inter display rule conflict on family law practitioners, meant that they engaged with surface acting, deep acting and genuine emotion. In some cases, my participants acknowledged the strategy of detachment to enable them to carry out their work. Such finding contributes to the research relating to emotion work strategies.

The second significant contribution to emotion work stems from the way in which my participants engaged with emotion work. I found that the family law practitioners in my study did not engage with emotion work as noted in previous research. For example, my participants did not engage in emotion work to develop companionship, to help others, or to regulate the well-being of others (Strazdins, 2000). Instead, they engaged with emotion work to regulate feelings and to display the appropriate emotion to comply with display rules (Grandey, 2000; Ashforth & Humphrey, 1993). This contribution confirms that for family law practitioners in my study, complying with display rules is paramount above focusing on creating positive social relationships with others. This links to the core of the individualistic nature of family law practice. In the next section, I discuss the limitations in my research.

8.4 Limitations of research

My research questions, aims, and objectives warranted a qualitative methodological approach. My methodological approach of Gadamerian hermeneutic phenomenology allowed me to conduct qualitative research and therefore it influenced my research design accordingly. As such, my study has associated with it, some limitations. The first limitation relates to my choice of purposive sampling to target specific participants for richer data. However, the nature of purposive sampling implies that the participants will not be a representative sample of the whole population (Neuman, 2011). As such, I am unable to confirm that the results of this study are representative of all family law practitioners in England and Wales. Furthermore, the selected participants represented homogenous group where all but one of them was White British. Different sampling strategies such as random or snowball may have produced a more diverse group of participants that might have led to different results. I maintain, however, that my sample size and the demographic background of the participants reflected and represented family law practitioners in the South Yorkshire region of the United Kingdom in terms of gender, race and job title (SRA, 2017).

Another limitation is in upholding the trustworthiness of my study. I took steps such as member checking and external auditing to ensure the trustworthiness

of the qualitative data obtained from semi-structured interviews. I acknowledge that I could have utilised other means by which to improve the trustworthiness of the data including triangulation and prolonged engagement (Guion et al., 2011; Teddlie & Tashakkori, 2009). However, the nature of my research did not lend itself to triangulation. So, trying to establish trustworthiness through triangulation would not have been an option.

Establishing trust to obtain rich data was another limitation in this study. I made every attempt to establish trust and ease between myself and my participants. However, I acknowledge that my previous role as family law practitioner may have made the participants feel uncertain about sharing personal experiences about display rule conflict. I chose to share some of my own experiences to demonstrate my appreciation of the challenges of the role to put them at ease. I also used follow-up questions during the interviews to clarify or seek further information relating to topics being discussed. However, I note that there remains a possibility that some participants may still not have felt comfortable to share this level of information. Furthermore, I was unable to make generalisations from my findings. I acknowledge that I cannot generalise my findings due to the small sample size in my study. My methodological approach of Gadamerian hermeneutic phenomenology does not allow for generalisations. However, I note that some of my findings may apply to legal practitioners in other areas of law as well as family law practitioners outside the South Yorkshire area. Furthermore, I note that the concept of display rule conflict is likely to be applicable in other legal contexts and contexts where there is a high level of interaction with a variety of stakeholders.

A hermeneutic phenomenological approach attempts to explore the meaning of experience through understanding of perceptions and interpretations of such experiences. This study sought to understand, not explain. Therefore, as with all hermeneutic phenomenological research, a limitation of the study is that the findings only present my interpretation of the data. I appreciate that there could be other interpretations of the same data. Another limitation of phenomenological research is bias (Creswell, 2007; Patton, 2002). I was mindful to acknowledge my emic perspective in relation to my research as a previous family law practitioner. I ensured that I made no assumptions with my

participants as I sought clarification from them constantly during interviews. Yet there is the possibility of bias despite the steps I have taken to minimise it. Finally, because of the dearth of prior research studies on display rule conflict, there are few publications in the literature. As such there were few sources to guide this study as I tried to conduct the literature review and to design this research (Aguinis & Edwards, 2014). In the next section, I consider opportunities for future studies.

8.5 Future studies

My findings have expanded knowledge on how family law practitioners address the issue of display rule conflict on the job. As display rule conflict research is in its infancy, this phenomenon can be further explored to develop this concept. There is need for further studies in this area for other family law practitioners whose role descriptions I considered to be outside the scope of my study. Similarly, research on display rule conflict could be conducted for all legal practitioners or other professionals who are required to comply with a multitude of display rules. Research could also be carried out into the outcomes of display rule conflict not only among family law practitioners, but within other occupations as well.

In a similar way, the role and use of communities of coping among other professionals should be researched further. In my study, some participants utilised communities of coping strategically to create desired impressions. Currently, there are few discussions of this topic in the literature. This topic deserves further research to gain more insight into how family law practitioners, or other members in the legal profession, use and engage in communities of coping at work. It would be interesting to note whether display rule conflict or tensions are experienced by members of other professions. Further studies could explore the types of discussions that take place in communities of coping to examine the use of such communities. It would also be interesting to consider how other types of organisational culture can influence communities of coping.

Although my Gadamerian hermeneutic phenomenological approach did not dictate my sample size in my study, I acknowledge that ten participants can

be considered small in other types of studies. It would be noteworthy to carry out research in relation to display rule conflict and coping using a larger sample. In considering a larger scale study, researchers could include a set of more diverse participants including those from different ethnic backgrounds, a broader age range, and more male participants. Further research with a larger, more diverse sample size of family law practitioners could be conducted to examine further the knowledge claims in my study.

Further research could be carried out in relation to emotion work and emotion management among family law practitioners. My study revealed the unique and emotionally complex relationship family law practitioners have with emotion work. Other emotion work conceptualisations could be explored in relation to family law practitioners. For example, in the work of Wharton and Erickson (1993), they studied emotion work both at work as well as the home context. It would be interesting to explore and understand how family law practitioners utilise emotion work at home. Furthermore, the role of formal and informal toxin handlers could be explored further within the legal profession (Ward & McMurray, 2015). I also noted in chapter 2, that it would be intriguing to use Bolton's (2005) typology of workplace emotion to consider further the motivations behind why legal practitioners interact with display rules in distinct ways.

Another area of further research can be on the professional identity of family law practitioners. My study revealed notions of identity conflict among my participants and this should be further explored to gain a greater understanding of identity in this profession. One relevant area of study can be on the relationship between professional identity and decision making in relation to display rules. This type of study would provide useful insights into how emotion work and professional identity interact in relation to decision making.

I would also suggest that the notion of power dynamics among family law practitioners is further explored. My findings gave me some insights into the influence of power both when complying with display rules and participating in

communities of practice. Such dynamics influenced the extent to which some of my participants shared knowledge and information among their colleagues. This type of study could reveal further depths to the family law practice culture.

A final idea for future research is to consider the type of training that could be used to teach employees about emotions, emotion work, emotion management, and the interaction of display rules. The possibility of case studies within organisations would provide useful information and knowledge as to how training can be carried out. Further, it would be interesting to find out the outcome of studies conducted after employees have undergone formal training. It could lead to notions of best practice for emotion work training. There are several possibilities for future research in relation to display rule conflict and coping. These topics must gain momentum to continue to expand our knowledge. Before I share my final thoughts, I will outline my reflections from my study.

8.6 My reflections

I conducted an interpretivist study using a Gadamerian hermeneutical phenomenological approach to explore experiences of display rule conflict among family law practitioners. A hermeneutical approach enabled me to engage in self-reflection (Laverty, 2003). Adopting an emic perspective meant that my assumptions and biases were embedded and essential to an interpretive process. My axiological assumptions led me to understand that my personal values could influence a range of steps in my research including what I valued in the findings. My own experiences of display rule conflict had a significant role in how I conducted this study. My experiences influenced not only how I developed my research instrument, but also how I analysed and interpreted the data I obtained. I felt compelled to discuss my emic perspective in relation to my research in chapter three. My experiences enabled me to reflect on my actions throughout this study (Finlay, 2003). I examined my assumptions, responses and actions critically through reflective and reflexive practice (Gray, 2014; Cunliffe, 2004; Finlay 2003; Raelin, 2001). I challenged my own assumptions of my previous knowledge and experience as a family

law practitioner. I was mindful that my experiences were not indicative of anything other than my understandings and interpretations.

There were several instances in my study where I questioned my assumptions and mindset. Gadamer (2004) argued that historical awareness was a positive factor for knowledge and understanding. Furthermore, he noted that we are all part of history and thus, it is not possible to step outside history to look at the past objectively (Gadamer, 2004). Initially, I found reflecting to be unsettling as it did not feel natural to stop and consider my thoughts and assumptions. However, such reflections enabled me to ensure that my pre-understandings of my research did not influence my interview with participants or my interpretation of the data – they enabled me to understand the topic. As such, I discussed at length the steps I took to ensure the trustworthiness and rigour of my study in chapter 4. Reflecting on my decisions throughout my research provided insight into my own identity as a family law researcher and about others around me. It empowered me to be aware of my thoughts, assumptions and biases so much so that I found myself in an open and mindful position throughout my research. It also managed to hone my listening and communication skills in a way only research can.

I also reflected on findings in my research. Participants discussed extensive experiences of intra and inter-display rule conflict. This finding was specifically interesting since previous studies on display rule conflicts have focussed on those conflicts that might occur when an employee's personal emotional display rule goals are inconsistent with the goals of organisational display rules (Dieguez, 2017). In my study, display rule conflict referred to tensions among and between display rules. Participants also revealed that although they coped communally with experiences of display rule conflict, some of them restricted the level of information they shared for either political or strategic reasons. This finding provided an insight into the intricate nature of the role of a family law practitioner as well as the degree to which they perform emotion work to comply with varying display rules.

In complying with a variety of display rules, my participants engaged with emotion work strategies. Another finding revealed in my study highlighted that family law practitioners did not utilise emotion work for companionship, help, or regulation. Instead, they used it to manage their emotions as they complied with display rules. In my study, I considered that emotion work strategies comprised surface acting, deep acting, and genuine emotion. However, for my participants, they also used detachment as an emotion work strategy to enable them to comply with display rules which challenged their professional identity.

My findings in relation to communities of coping did not fully align with the literature. Research to date indicates that communities of coping have a collective nature where service workers form these communities to cope following negative experiences (Korczynski, 2003; Domagalski, 1999; Fineman, 1996). However, my findings revealed that the family law practitioners did not utilise communities of coping primarily as a coping mechanism. My participants indicated that they tended to restrict the experiences or knowledge they shared if it meant that they could display competence among colleagues and superiors. This suggested that, in contrast to literature, family law practitioners did not engage fully with communities of coping and any ensuing learning could have been influenced by the accuracy of the knowledge shared in the first place. Furthermore, it suggests that family law practitioners lack an arena in which they feel they can seek support to cope communally.

Another interesting finding relates to the professional identity of my participants. In my study, professional identity comprised both role identity and social identity. Although identification with their roles as family law practitioners appeared to be subjective, my participants revealed that those who had greater experience identified more strongly with their role. However, interestingly, some participants with ample experience indicated that they experienced role conflict in both management and fee earner positions (Robertson, 2011). In relation to social identity, all my participants identified strongly as members of the wider legal profession (Burke & Stets, 2009). The finding in relation to experiences of conflicting professional identities did not only encompass conflict between different roles but also conflict in the role of

colleague and subordinate. I associated these types of identity conflict as identity interference (Settles, 2004) whereby the pressure of one identity can interfere with the performance of another identity (Van Sell, Brief & Schuler, 1981). I concluded that role identity and social identity can influence how a family law practitioner decides to comply with various display rules depending on which identity the practitioner regards as having a higher level of prominence (Burke & Stets, 2009).

A final important finding is related to learning. I found two types of learning in which my participants engaged. Firstly, these family law practitioners learnt from experience and training that arose from discussions around the performance of emotion work. My participants indicated that they learned to use and perform emotion work through a combination of experience (Bandura, 1977) and training which included emotion socialisation (Goffman, 1967). The participants felt that formal emotion management training would be beneficial. Although they acknowledged the nuances of their role could only be learned through extensive socialisation into the profession, the firm's culture and subculture(s) (Bergman Blix & Wettergren, 2015; Maroney & Gross, 2014). Secondly, my participants learned as a result of their membership in communities of practice (Lave & Wenger, 1998) which in their case was the community of family law practice.

I found it interesting that some participants indicated that they would limit negative experiences or magnify positive experiences to maintain good impressions depending on whether senior managers were members of the community of practice. It followed then that some participants would control the level of knowledge they shared within communities of practice for political or strategic reasons. This finding led me to question the quality and reliability of knowledge that is potentially shared within communities of practice. Furthermore, it revealed that family law practitioners may lack the opportunity to engage in communities of practice to improve practice and personal development. Next, I share my final thoughts as I conclude my thesis.

8.7 Final thoughts

I began my PhD journey in 2015. Although the process was challenging at times, it was one of the most enjoyable and rewarding experiences of my life. Prior to starting my PhD, I had heard that the process was a life changing experience. Admittedly, I did not quite appreciate this until I engaged with philosophy. For the first time in my life, I explored how I really saw the world. It was through this process that I believe I really began to appreciate the various ways in which the world could be seen. This experience enabled me to think about my research area and personal experiences. Through examining and truly thinking about my experiences, I challenged my thoughts and beliefs. During each of these thoughts, I knew I was a step closer to understanding my world.

Over the last few years, my research has been at the forefront of my mind. It has made its way into my conversations, my lectures, and even my dreams. I continue to be fascinated by display rule conflict and the ways in which it can influence an employee. My PhD journey has been incredibly valuable, both professionally and personally. I have not only gained a deep understanding and appreciation for the topic that I researched but I also learned much about myself. In relation to research, I have learned to appreciate each step in the process and the value it can contribute to knowledge. My findings have spurred me on to carry out further research in this area. Conducting this research in this way has been a fascinating process out of which I received a great deal of satisfaction. My interest and passion for research has grown insurmountably. In relation to myself, I do believe I now look at the world differently. I learned to explore and satisfy my curiosities. I have learned to question with an informed mind. My completed PhD will enhance my career in academia as I continue to create discussions about display rule conflict on the job. I intend to publish articles that will establish this concept in literature. In the future, I hope I can work with organisations to realise the value of using emotions at work with a view to shifting workplace cultures to incorporate the use of emotions.

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SRA Handbook

Version 21 of the Handbook was published on 6 December 2018.

Part 1: SRA Principles

1: SRA Principles

These are mandatory Principles which apply to all.

You must:

1. uphold the rule of law and the proper administration of justice;
2. act with integrity;
3. not allow your independence to be compromised;
4. act in the best interests of each client;
5. provide a proper standard of service to your clients;
6. behave in a way that maintains the trust the public places in you and in the provision of legal services;
7. comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner;
8. run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity; and
10. protect client money and assets



Code of Practice

Why choose a Resolution member?

Resolution members follow a Code of Practice that promotes a constructive approach to family issues and considers the needs of the whole family, in particular the best interests of children.

This means:

- Listening to you, being honest with you and treating you with respect.
- Explaining all the options and giving you confidence to make the right decisions.
- Helping you focus on what's important in the long-term.
- Helping you balance financial and emotional costs with what you want to achieve.
- Working with others to find the right approach and the best solutions for you.
- Managing stress in what can be an already stressful situation.

Resolution's Code of Practice

Resolution is a community of family justice professionals who work with families and individuals to resolve issues in a constructive way. Resolution membership is about the approach we take to our work. This means that as a Resolution member, I will:

- Reduce or manage any conflict and confrontation; for example, by not using inflammatory language.
- Support and encourage families to put the best interests of any children first.
- Act with honesty, integrity and objectivity.
- Help clients understand and manage the potential long-term financial and emotional consequences of decisions.
- Listen to and treat everyone with respect and without judgment.
- Use my experience and knowledge to guide clients through the options available to them.
- Continually develop my knowledge and skills.
- Use the Resolution Guides to Good Practice in my day-to-day work.

And I will work with other Resolution members to uphold this Code and ensure it is at the heart of everything I do.

Appendix 3 - SHUREC 1 - Research Ethics Checklist



RESEARCH ETHICS CHECKLIST (SHUREC1)

This form is designed to help staff and postgraduate research students to complete an ethical scrutiny of proposed research. The SHU [Research Ethics Policy](#) should be consulted before completing the form.

Answering the questions below will help you decide whether your proposed research requires ethical review by a Faculty Research Ethics Committee (FREC). In cases of uncertainty, members of the FREC can be approached for advice.

Please note: staff based in University central departments should submit to the University Ethics Committee (SHUREC) for review and advice.

The final responsibility for ensuring that ethical research practices are followed rests with the supervisor for student research and with the principal investigator for staff research projects.

Note that students and staff are responsible for making suitable arrangements for keeping data secure and, if relevant, for keeping the identity of participants anonymous. They are also responsible for following SHU guidelines about data encryption and research data management.

The form also enables the University and Faculty to keep a record confirming that research conducted has been subjected to ethical scrutiny.

- For postgraduate research student projects, the form should be completed by the student and counter-signed by the supervisor, and kept as a record showing that ethical scrutiny has occurred. Students should retain a copy for inclusion in their thesis, and staff should keep a copy in the student file.
- For staff research, the form should be completed and kept by the principal investigator.

Please note if it may be necessary to conduct a health and safety risk assessment for the proposed research. Further information can be obtained from the Faculty Safety Co-ordinator.

General Details

Name of principal investigator or postgraduate research student	Andrea Subryan
SHU email address	Andrea.D.Subryan@student.shu.ac.uk
Name of supervisor (if applicable)	Helen Richardson
email address	h.richardson@shu.ac.uk
Title of proposed research	Emotional labour conflict: An exploration of competing dynamics within family law practitioners
Proposed start date	1.10.15
Proposed end date	1.10.18
Brief outline of research to include, rationale & aims (500 - 750 words).	My experience as a family law practitioner has triggered my interest in conducting this exploration of emotional labour conflict in the family law profession. In this study, emotional labour in professions is defined as the process whereby employees are expected to manage and display appropriate emotions during interactions with different

	<p>stakeholders in accordance with diverse formal and informal display rules.</p> <p>Solicitors often believe that suppressing emotion and remaining detached enable them to argue rationally their client's case. However, the court room can be an emotional arena and remaining professionally objective may be extremely demanding particularly for family law practitioners. Family law practitioners may potentially experience a conflict in displaying the appropriate emotion especially in relation to complying with expected professional display rules, expected organisational display rules or the expectations of their clients.</p> <p>Family law practitioners deal with the emotive personal problems of clients and may display emotions such as anger in the courtroom in line with client instructions. However, such displays are often considered a deviation from professional display rules and may also not be in line with organisational expectations which may include enhancing reputations and ultimately the firm's brand. Findings from this study will expand the borders of knowledge and literature on conflicting emotional labour expectations not only within the legal professions but specifically among family law practitioners. The outcomes of this study may also assist legal educators, legal professional bodies and Human Resource professionals in understanding the various emotional labour expectations from stakeholders which may influence family law practitioners.</p> <p>The aim of this study is to explore the extent and any perceptions family law practitioners may have of conflicting expectations of their displays of emotional labour from stakeholders and to consider the extent to which this perception may influence their performance of emotional labour. The objectives are:</p> <p>The objectives of my study are:</p> <ol style="list-style-type: none"> 1. To critically analyse the existence of perceptions of conflicting expectations of family law practitioners from stakeholders including clients, opponents, Judges and firms. 2. To critically analyse the extent of perceptions of conflicting expectations of family law practitioners from stakeholders including clients, opponents, Judges and firms. 3. To explore the dimensions and experiences of any perceived emotional labour conflict. 4. To critically assess the influence of emotional labour through dialogue with family law practitioners in interviews. <p>This study will utilise a phenomenological approach to gain deep accounts of experience from family law practitioners and gain insights into their personal perceptions, interpretations and experiences of emotional labour. The interpretivist research paradigm is determined by the ontological stance of multiple realities and an epistemological stance of social constructivism. I do not anticipate participants experiencing emotional harm as a result of the interview as I will be seeking to obtain their experiences of practicing emotional skills at work rather than experiences in their personal</p>
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	<p>lives.</p> <p>Semi-structured interviews will be utilised to obtain deep accounts of experience from the participants. A purposive sampling strategy will be utilised selecting between 12 and 20 family law practitioners for interviews. It is anticipated that family law practitioners will include trainee solicitors, qualified solicitors, partners, and Local Authority solicitors.</p> <p>Participants will be assured of their right to anonymity, confidentiality and to withdraw from the study at any time. Participants will be asked to review their interview transcripts for member checking and adding further anecdotes. This will be done by sending the transcript via an encrypted email to ensure participant confidentiality.</p> <p>The interviews will be transcribed and analysed using thematic analysis. Thematic analysis is a way of evaluating emerging and differing notions within the data. This enables the researcher to make sense of the information in order to interpret it. In this study, a constructionist approach to thematic analysis will be undertaken and the participants' perception of reality will be co-constructed with the researcher.</p>
Where data is collected from human participants, outline the nature of the data, details of anonymisation, storage and disposal procedures if these are required (300 -750 words).	<p>Semi-structured interviews will be utilised to obtain data for this phenomenological study. The interviews will comprise of a mixture of closed ended demographic questions and open-ended questions regarding the participants' experiences. The interview questions will be designed to elicit the participants' responses that align with the research objectives.</p> <p><u>Sample Selection Process</u></p> <p>It is anticipated that between 12 and 25 participants will be interviewed. A purposive sampling strategy will be utilised. It is anticipated that family law practitioners will include trainee solicitors, qualified solicitors, and partners.</p> <p><u>Research Method</u></p> <p>Letters of invitation and contracts to participate in the study will include the participants choosing the location for their mode of interviews, permission from the participants to audio-record and transcribe their interviews, and a commitment to participate in one interview (time to be determined). Participants will be assured of their rights to anonymity, confidentiality and to withdraw from the study at any point. Additionally, each participant would have the option of providing a pseudonym to refer to them in the study. Participants will be asked to review their interview transcripts for member checking and adding further anecdotes.</p> <p><u>Data storage</u></p> <p>I plan to attend data management seminars hosted by SHARD in</p>

	<p>order to keep up to date with current data storage guidelines and practices. I will back up my data by using SHU's recommended Research Store (Q drive) as data is automatically backed-up. I will additionally back-up my data using encrypted USB sticks. In the event of an accident the USB sticks will be encrypted so no one can gain access to sensitive information. Further the Research Store as recommended by SHU is regularly backed-up and has access permissions.</p> <p>It is anticipated that recorded interviews will be saved by a tape recording device. The tapes will be kept in a locked cabinet accessible only by the researcher. All transcribed data will be stored on an encrypted USB stick and stored in a locked cabinet accessible only by the researcher.</p> <p>All data (raw and analyzed) will be deposited in the University's Research Data (SHURDA) before the end of the research project. The data will be retained in the archive for a period of 10 years since the last time any third party has requested access to the data. When depositing the data, no further changes to data formatting will be required as all necessary actions will have been conducted as the research progresses.</p> <p>Please see data management plan for further information.</p> <p>I have consulted with my Director of Studies and completed the risk assessment and Health and Safety forms which are attached.</p>
Will the research be conducted with partners & subcontractors?	<p>No</p> <p>(If YES, outline how you will ensure that their ethical policies are consistent with university policy.)</p>

1. Health Related Research involving the NHS or Social Care / Community Care or the Criminal Justice System or with research participants unable to provide informed consent

Question	Yes/No
<p>1. Does the research involve?</p> <ul style="list-style-type: none"> • Patients recruited because of their past or present use of the NHS or Social Care • Relatives/carers of patients recruited because of their past or present use of the NHS or Social Care • Access to data, organs or other bodily material of past or present NHS patients • Foetal material and IVF involving NHS patients • The recently dead in NHS premises • Prisoners or others within the criminal justice system recruited for health-related research* • Police, court officials, prisoners or others within the criminal justice system* • Participants who are unable to provide informed consent due to their incapacity even if the project is not health related 	N/A

2.	Is this a research project as opposed to service evaluation or audit? <i>For NHS definitions please see the following website</i> http://www.nres.nhs.uk/applications/is-your-project-research/	N/A
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If you have answered **YES** to questions **1 & 2** then you **must** seek the appropriate external approvals from the NHS, Social Care or the National Offender Management Service (NOMS) under their independent Research Governance schemes. Further information is provided below.

NHS <https://www.myresearchproject.org.uk/Signin.aspx>

* Prison projects may also need National Offender Management Service (NOMS) Approval and Governor's Approval and may need Ministry of Justice approval. Further guidance at: <http://www.hra.nhs.uk/research-community/applying-for-approvals/national-offender-management-service-noms/>

NB FRECs provide Independent Scientific Review for NHS or SC research and initial scrutiny for ethics applications as required for university sponsorship of the research. Applicants can use the NHS proforma and submit this initially to their FREC.

2. Research with Human Participants

Question	Yes/No
1. Does the research involve human participants? This includes surveys, questionnaires, observing behaviour etc. <i>Note If YES, then please answer questions 2 to 10</i> <i>If NO, please go to Section 3</i>	Yes
2. Will any of the participants be vulnerable? <i>Note 'Vulnerable' people include children and young people, people with learning disabilities, people who may be limited by age or sickness or disability, etc. See definition</i>	No
3. Are drugs, placebos or other substances (e.g. food substances, vitamins) to be administered to the study participants or will the study involve invasive, intrusive or potentially harmful procedures of any kind?	No
4. Will tissue samples (including blood) be obtained from participants?	No
5. Is pain or more than mild discomfort likely to result from the study?	No
6. Will the study involve prolonged or repetitive testing?	No
7. Is there any reasonable and foreseeable risk of physical or emotional harm to any of the participants? <i>Note Harm may be caused by distressing or intrusive interview questions, uncomfortable procedures involving the participant, invasion of privacy, topics relating to highly personal information, topics relating to illegal activity, etc.</i>	No
8. Will anyone be taking part without giving their informed consent?	No
9. Is it covert research? <i>Note 'Covert research' refers to research that is conducted without the knowledge of participants.</i>	No
10. Will the research output allow identification of any individual who has not given their express consent to be identified?	No

If you answered **YES only** to question **1**, you must complete the box below and submit the signed form to the FREC for registration and scrutiny.

Data Handling

Where data is collected from human participants, outline the nature of the data, details of anonymisation, storage and disposal procedures if these are required (300 -750 words).

Semi-structured interviews will be utilised to obtain data for this phenomenological study. The interviews will comprise of a mixture of closed ended demographic questions and open-ended questions regarding the participants' experiences. The interview questions will be designed to elicit the participants' responses that align with the research objectives.

Sample Selection Process

It is anticipated that between 12 and 20 participants will be interviewed. A purposive sampling strategy will be utilised. It is anticipated that family law practitioners will include trainee solicitors, qualified solicitors, and partners.

Research Method

Letters of invitation and contracts to participate in the study will include the participants choosing the location for their mode of interviews, permission from the participants to audio-record and transcribe their interviews, and a commitment to participate in one interview (time to be determined). Participants will be assured of their rights to anonymity, confidentiality and to withdraw from the study at any point. Additionally, each participant would have the option of providing a pseudonym to refer to them in the study. Participants will be asked to review their interview transcripts for member checking and adding further anecdotes.

Data storage

I will back up my data by using SHU's recommended Research Store (Q drive) as data is automatically backed-up. I will additionally back-up my data using encrypted USB sticks. In the event of an accident the USB sticks will be encrypted so no one can gain access to sensitive information. Further the Research Store as recommended by SHU is regularly backed-up and has access permissions.

It is anticipated that recorded interviews will be saved by a tape recording device. The tapes will be kept in a locked cabinet accessible only by the researcher. All transcribed data will be stored on an encrypted USB stick and stored in a locked cabinet accessible only by the researcher.

All data (raw and analyzed) will be deposited in the University's Research Data (SHURDA) before the end of the research project. The data will be retained in the archive for a period of 10 years since the last time any third party has requested access to the data. When depositing the data, no further changes to data formatting will be required as all necessary actions will have been conducted as the research progresses.

Please see data management plan for further information.

Data disposal

Data disposal issues will be addressed as they arise.


If you have answered **YES** to any of the other questions you are **required** to submit a SHUREC2A (or 2B) to the FREC. If you answered **YES** to question **8** and participants cannot provide informed consent due to their incapacity you must obtain the appropriate approvals from the NHS research governance system.

3. Research in Organisations

Question	Yes/No
1 Will the research involve working with/within an organisation (e.g. school, business, charity, museum, government department, international agency, etc.)?	N/A
2 If you answered YES to question 1, do you have granted access to conduct the research? <i>If YES, students please show evidence to your supervisor. PI should retain safely.</i>	N/A
3 If you answered NO to question 2, is it because: A. you have not yet asked B. you have asked and not yet received an answer C. you have asked and been refused access. <i>Note You will only be able to start the research when you have been granted access.</i>	N/A

4. Research with Products and Artefacts

Question	Yes/No
1. Will the research involve working with copyrighted documents, films, broadcasts, photographs, artworks, designs, products, programmes, databases, networks, processes, existing datasets or secure data?	N/A
2. If you answered YES to question 1, are the materials you intend to use in the public domain? <i>Notes 'In the public domain' does not mean the same thing as 'publicly accessible'.</i> – Information which is 'in the public domain' is no longer protected by copyright (i.e. copyright has either expired or been waived) and can be used without permission. – Information which is 'publicly accessible' (e.g. TV broadcasts, websites, artworks, newspapers) is available for anyone to consult/view. It is still protected by copyright even if there is no copyright notice. In UK law, copyright protection is automatic and does not require a copyright statement, although it is always good practice to provide one. It is necessary to check the terms and conditions of use to find out exactly how the material may be reused etc. <i>If you answered YES to question 1, be aware that you may need to consider other ethics codes. For example, when conducting Internet research, consult the code of the Association of Internet Researchers; for educational research, consult the Code of Ethics of the British Educational Research Association.</i>	N/A
3. If you answered NO to question 2, do you have explicit permission to use these materials as data? <i>If YES, please show evidence to your supervisor. PI should retain permission.</i>	N/A
4. If you answered NO to question 3, is it because: A. you have not yet asked permission B. you have asked and not yet received an answer C. you have asked and been refused access. <i>Note You will only be able to start the research when you have been granted permission to use the specified material.</i>	N/A

I can confirm that:	
<ul style="list-style-type: none"> - I have read the Sheffield Hallam University Research Ethics Policy and Procedures - I agree to abide by its principles. 	
Student / Researcher/ Principal Investigator (as applicable)	
Name: Andrea Subryan	Date: 28 th April 2016
Signature: A Subryan	
Supervisor or other person giving ethical sign-off	
I can confirm that completion of this form has not identified the need for ethical approval by the FREC or an NHS, Social Care or other external REC. The research will not commence until any approvals required under Sections 3 & 4 have been received.	
Name: Dr Helen J Richardson	Date: 01/05/2016
Signature: 	
Additional Signature if required:	
Name:	Date:
Signature:	

Please ensure the following are included with this form if applicable, tick box to indicate:

	Yes	No	N/A
Research proposal if prepared previously	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>
Any recruitment materials (e.g. posters, letters, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>
Participant information sheet	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participant consent form	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of measures to be used (e.g. questionnaires, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>
Outline interview schedule / focus group schedule	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debriefing materials	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>
Health and Safety Project Safety Plan for Procedures	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Data Management Plan*	x <input type="checkbox"/>	<input type="checkbox"/>	

If you have not already done so, please send a copy of your Data management Plan to rdm@shu.ac.uk
It will be used to tailor support and make sure enough data storage will be available for your data.
Completed form to be sent to Relevant FREC. Contact details on the website.

Appendix 4 - SHUREC 2a - Application for Research Ethics Approval



APPLICATION FOR RESEARCH ETHICS APPROVAL (SHUREC2A)

SECTION A: Research Protocol

Important Note - If you have already written a research proposal (e.g. for a funder) that answers the methodology questions in this section please include a copy of the proposal and leave those questions blank. You **MUST** however complete **ALL** of Section B and C (risk assessment).

1. **Name of principal investigator:** Andrea Subryan

Faculty: SBS

Email address: Andrea.D.Subryan@student.shu.ac.uk

2. **Title of research:** Emotional Labour Conflict: An Exploration of competing dynamics within family law practitioners

3. **Supervisor (if applicable):** Helen Richardson

Email address: h.richardson@shu.ac.uk

4. **CONVERIS number (applicable for externally funded research):**

5. **Other investigators (within or outside SHU)**

Title	Name	Post	Division	Organisation
Dr	Chalen Westaby	lecturer	Law School	SHU
Mrs	Claire Taylor	lecturer	SBS	SHU

6. **Proposed duration of project**

Start date: 1.10.15

End Date: 1.10.18

7. **Location of research if outside SHU:** N/A

8. **Main purpose of research:**

- ☒ Educational qualification
☐ Publicly funded research
☐ Staff research project
☐ Other (Please supply details)

9. **Background to the study and scientific rationale (500- 750 words approx.)**

My experience as a family law practitioner has triggered my interest in conducting this exploration of emotional labour conflict in the family law profession. In this study, emotional labour in professions is defined as the process whereby employees are expected to manage and display appropriate emotions during interactions with different stakeholders in accordance with diverse formal and informal display rules.

Solicitors often believe that suppressing emotion and remaining detached enable them to argue rationally their client's case. However, the court room can be an emotional arena and remaining professionally objective may be extremely demanding particularly for family law practitioners. Family law practitioners may potentially experience a conflict in displaying the appropriate emotion especially in relation to complying with expected professional display rules, expected organisational display rules or the expectations of their clients.

Family law practitioners deal with the emotive personal problems of clients and may display emotions such as anger in the courtroom in line with client instructions. However, such displays are often considered a deviation from professional display rules and may also not be in line with organisational expectations which may include enhancing reputations and ultimately the firm's brand. Findings from this study will expand the borders of knowledge and literature on conflicting emotional labour expectations not only within the legal professions but specifically among family law practitioners. The outcomes of this study may also assist legal educators, legal professional bodies and Human Resource professionals in understanding the various emotional labour expectations from stakeholders which may influence family law practitioners.

The aim of this study is to explore the extent and any perceptions family law practitioners may have of conflicting expectations of their displays of emotional labour from stakeholders and to consider the extent to which this perception may influence their performance of emotional labour. The objectives are:

The objectives of my study are:

1. To critically analyse the existence of perceptions of conflicting expectations of family law practitioners from stakeholders including clients, opponents, Judges and firms.
2. To critically analyse the extent of perceptions of conflicting expectations of family law practitioners from stakeholders including clients, opponents, Judges and firms.
3. To explore the dimensions and experiences of any perceived emotional labour conflict.
4. To critically assess the influence of emotional labour through dialogue with family law practitioners in interviews.

This study will utilise a phenomenological approach to gain deep accounts of experience from family law practitioners and gain insights into their personal perceptions, interpretations and experiences of emotional labour. The interpretivist research paradigm is determined by the ontological stance of multiple realities and an epistemological stance of social constructivism. I do not anticipate participants experiencing emotional harm as a result of the interview as I will be seeking to obtain their experiences of practicing emotional skills at work rather than experiences in their personal lives.

Semi-structured interviews will be utilised to obtain deep accounts of experience from the participants. A purposive sampling strategy will be utilised selecting between 12 and 20 family law practitioners for interviews. It is anticipated that family law practitioners will include trainee solicitors, qualified solicitors, partners, and Local Authority solicitors.

Participants will be assured of their right to anonymity, confidentiality and to withdraw from the study at any time. Participants will be asked to review their interview transcripts for member checking and adding further anecdotes. This will be done by sending the transcript via an encrypted email to ensure participant confidentiality.

The interviews will be transcribed and analysed using thematic analysis. Thematic analysis is a way of evaluating emerging and differing notions within the data. This enables the researcher to make sense of the information in order to interpret it. In this study, a constructionist approach to thematic analysis will be undertaken and the participants' perception of reality will be co-constructed with the researcher.

10. Has the scientific / scholarly basis of this research been approved? (For example by Research Degrees Subcommittee or an external funding body)

- ☐ Yes
☐ No - to be submitted
☒ Currently undergoing an approval process
☐ Irrelevant (e.g. there is no relevant committee governing this work)

11. Main research questions

1. Do family law practitioners perceive an emotional labour conflict when interacting with different stakeholders?
2. How do family law practitioners deal and cope with conflicting emotional labour expectations at work?

12. Summary of methods including proposed data analyses

C.4 Research Method / Data Collection (510 words)

I intend to use semi-structured interviews to collect data. The semi-structured interview questions will comprise of a mixture of approximately 7 demographic type questions and approximately 10 questions regarding emotional skills experiences in the workplace. I designed the interview questions to elicit the participants' responses that might align with my research objectives. The participants will be asked to choose whether they wish to have a face-to-face interview, a SKYPE session or a telephone interview whichever is most convenient for them. Participants will also be asked to choose a location for their interview and suggested options included their place of work or Sheffield Business School. The participants will be informed that the interviews are expected to last for approximately 1 hour. The qualitative data collected from the semi-structured interviews will be analysed using interpretive phenomenological analysis which I will outline below.

I will obtain permission from the participants to audio-record and transcribe their interviews. I will hand letters to the participants inviting them to participate in and commit to one interview lasting for approximately 1 hour. Participants will also be asked to sign a consent form before taking part in the study. I will assure my participants of their rights to anonymity, confidentiality and to withdraw from the study at any point up. Additionally, I will agree a pseudonym (a name or a code) with each participant which I will use to refer to them in my study. I intend to use purposive sampling which is a technique often employed in qualitative investigation.

The data collected through semi-structured interviews will be analysed using interpretive phenomenological analysis (IPA). I intend to adopt Smith and Osborn's (2007) approach to analysis in IPA as it will enable me to make sense of the phenomena inductively. The first stage in the approach is to look for themes. Once the interviews are transcribed I will read the transcriptions several times making a note of interesting or significant comments made by the participants. The transcripts are

then read again to document emerging theme titles or concise phrases which aim to capture the essential quality of what was found in the text. The second stage in the process is to connect the themes. The initial list of themes will reflect the chronological order in which they were identified however the next stage is to put the themes into more of a theoretical ordering. I would need to ensure that I cross reference the themes with the transcripts to ensure that there are connections with the actual text from participants. According to Smith and Osborn (2007) this form of analysis is iterative and involves a close interaction between researcher and text. In other words, while I will be interpreting the transcripts I will need to constantly check my sense-making against what the participants actually said. The final stage is to continue the analysis with the other transcripts. I intend to analyse subsequent transcripts independently of the first one in order to explore the phenomena for each participant. I am aware that I need to discern repeating thematic patterns while acknowledging new issues emerging in subsequent transcripts. I want to recognise convergences and divergences in the data and discover the ways in which accounts from participants may be similar but also different.

SECTION B

- 1. Describe the arrangements for selecting/sampling and briefing potential participants.**
This should include copies of any advertisements for volunteers, letters to individuals/organisations inviting participation and participant information sheets. The sample sizes with power calculations if appropriate should be included.

I intend to use purposive sampling which is a technique often employed in qualitative investigation (Wilmott 2009; Teddlie and Yu 2007). I anticipate that participants will represent varying levels of experience of family law practitioner including paralegals, trainee solicitors, qualified solicitors, and partners. I will utilise family law practitioner contacts as a means of obtaining a sample of participants. I also intend to interview both male and female family law practitioners. I do not intend to restrict the length of employment and will include participants who have left the practise of family law within the last 12 months because I argue such participants will have invaluable experience upon which they can reflect and provide insights into the emotional labour conflict phenomena.

I anticipate that I will interview between 12 and 25 participants.

- 2. What is the potential for participants to benefit from participation in the research?**

It is anticipated that the benefits of this study will enable family law practitioners to have:

- awareness that they may use emotion skills at work
- awareness of their ability to manage their emotions as a family law practitioner
- knowledge of how managing emotions can influence them in carrying out their work

3. **Describe any possible negative consequences of participation in the research along with the ways in which these consequences will be limited.**

I acknowledge the participants generally can become upset when discussing emotions however I will be limiting my questions to participants about their experiences of using emotional skills at work rather than questions referring to their past or emotional experiences.

4. **Describe the arrangements for obtaining participants' consent.** This should include copies of the information that they will receive & written consent forms where appropriate. If children or young people are to be participants in the study details of the arrangements for obtaining consent from parents or those acting in *loco parentis* or as advocates should be provided.

They will be given a consent form (see attached) to sign prior or at the interview. I will then retain the signed consent form to include in my thesis.

5. **Describe how participants will be made aware of their right to withdraw from the research.** This should also include information about participants' right to withhold information and a reasonable time span for withdrawal should be specified.

Participants will be informed in writing in both the participant's information form and the consent form of their right to withdraw from the research at any time. I will also remind participants verbally prior to the start of the interview.

6. **If your project requires that you work with vulnerable participants describe how you will implement safeguarding procedures during data collection.**

My study does not require I work with vulnerable participants. However, should my participants become distressed I will refer them to a counselling service.

7. **If Disclosure and Barring Service (DBS) checks are required, please supply details**

n/a

8. **Describe the arrangements for debriefing the participants.** This should include copies of the information that participants will receive where appropriate.

9. **Describe the arrangements for ensuring participant confidentiality.** This should include details of:

- how data will be stored to ensure compliance with data protection legislation
- how results will be presented
- exceptional circumstances where confidentiality may not be preserved
- how and when confidential data will be disposed of

Participants will be assured that the information they provide will be kept confidential. this will be detailed in writing in the participant information sheet as well as the consent form. I will also remind participants of confidentiality verbally prior to the start of their interview. I will confirm that I will choose a pseudonym or a code for them so that their identity remains confidential.

I will back up my data by using SHU's recommended Research Store (Q drive). I will additionally back-up my data using encrypted external hard drive. I will ensure the data is encrypted when sending it to any external auditors to ensure that only they can access the data securely. A data sharing agreement will not be required. The only exclusion from this raw data to be shared will be the audio from the 1:1 interviews, given the potential of voice recognition, thus threatening pledges of anonymity of data, which has been given to all contributors to the research. While a robust approach to ensuring consent is received from all respondents in the study to allow raw data to be shared, should some respondents refuse permission, these data will be removed before depositing the data in the SHU Research Data Archive (SHURDA). The responsibility for ensuring extraction of data from those declining will ultimately be the Director of studies.

All data (raw and analyzed) will be deposited in the University's Research Data (SHURDA) before the end of the research project. The data will be retained in the archive for a period of 10 years since the last time any third party has requested access to the data. When depositing the data, no further changes to data formatting will be required as all necessary actions will have been conducted as the research progresses.

- 10. Are there any conflicts of interest in you undertaking this research?** (E.g. are you undertaking research on work colleagues or in an organisation where you are a consultant?) Please supply details of how this will be addressed.

There are no conflicts of interest in the research I am undertaking.

- 11. What are the expected outcomes, impacts and benefits of the research?**

The aim of this study is to explore whether family law practitioners perceive varying expectations of their displays of emotion skills at work and to consider the extent to which this perception may influence their management of emotion skills. It is hoped that the benefits of this study will enable family law practitioners to have:

- awareness that they may use emotion skills at work
- awareness of their ability to manage their emotions as a family law practitioner
- knowledge of how managing emotions can influence them in carrying out their work

- 12. Please give details of any plans for dissemination of the results of the research. This includes your plans for preserving and sharing your data. You may refer to your attached Data Management Plan.**

A data sharing agreement will not be required. The only exclusion from this raw data to be shared will be the audio from the 1:1 interviews, given the potential of voice recognition, thus threatening pledges of anonymity of data, which has been given to all contributors to the research. While a robust approach to ensuring consent is received from all respondents in the study to allow raw data to be shared, should some

respondents refuse permission, these data will be removed before depositing the data in the SHU Research Data Archive (SHURDA). The responsibility for ensuring extraction of data from those declining will ultimately be the Director of studies.

The only exclusion from this raw data to be shared will be the audio from the 1:1 interviews, given the potential of voice recognition, thus threatening pledges of anonymity of data, which has been given to all contributors to the research.

SECTION C

HEALTH AND SAFETY RISK ASSESSMENT FOR THE RESEARCHER

1. Will the proposed data collection take place on campus?

- ☐ Yes (Please answer questions 4, 6 and 7)
☒ No (Please complete all questions)

2. Where will the data collection take place?

(Tick as many as apply if data collection will take place in multiple venues)

- | Location | Please specify |
|----------------------------------------------------------------------------------------------|-------------------|
| <input type="checkbox"/> Researcher's Residence | |
| <input type="checkbox"/> Participant's Residence | |
| <input type="checkbox"/> Education Establishment | |
| <input checked="" type="checkbox"/> Other e.g. business/voluntary organisation, public venue | law firms/offices |
| <input type="checkbox"/> Outside UK | |

3. How will you travel to and from the data collection venue?

- ☐ On foot ☒ By car ☐ Public Transport
☐ Other (Please specify)

Please outline how you will ensure your personal safety when travelling to and from the data collection venue

I will ensure as far as possible that interviews are carried out during working hours and if interviews are on campus then while the university building is open.

4. How will you ensure your own personal safety whilst at the research venue?

I will arrange meetings during working hours when other staff are present.

5. If you are carrying out research off-campus, you must ensure that each time you go out to collect data you ensure that someone you trust knows where you are going (without breaching the confidentiality of your participants), how you are getting there (preferably including your travel route), when you expect to get back, and what to do should you not return at the specified time. (See Lone Working Guidelines). Please outline here the procedure you propose using to do this.

I will notify my supervisors by email of the date and time of each interview. I will notify them of my travel route and the expected time of return from the interviews. I will ask that someone contact me

on my mobile phone should I not be back at the specified time. I will notify my supervisors by email once I return from interviews.

6. Are there any potential risks to your health and wellbeing associated with either (a) the venue where the research will take place and/or (b) the research topic itself?

- ☒ None that I am aware of
☐ Yes (Please outline below including steps taken to minimise risk)

7. Does this research project require a health and safety risk analysis for the procedures to be used?

- ☐ Yes
☒ No

(If YES the completed Health and Safety Project Safety Plan for Procedures should be attached)

Adherence to SHU policy and procedures

Personal statement	
I confirm that: <ul style="list-style-type: none"> this research will conform to the principles outlined in the Sheffield Hallam University Research Ethics policy this application is accurate to the best of my knowledge 	
Principal Investigator	
Signature	[Redacted]
Date	15.9.16
Supervisor (if applicable)	
Signature	[Redacted]
Date	15.09.16
Other signature	
Signature	[Redacted]
Date	15.09.16

Please ensure the following are included with this form if applicable, tick box to indicate:

	Yes	No	N/A
Research proposal if prepared previously	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Any recruitment materials (e.g. posters, letters, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Participant information sheet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Participant consent form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of measures to be used (e.g. questionnaires, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outline interview schedule / focus group schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Debriefing materials	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Health and Safety Project Safety Plan for Procedures

x☐

☐

☐

Data Management Plan*

x☐

☐

If you have not already done so, please send a copy of your Data management Plan to rdm@shu.ac.uk
It will be used to tailor support and make sure enough data storage will be available for your data.

Appendix 5 - Letter of invitation to participate



Participant information form

Dear Family law practitioner,

About the researcher

I am a PhD student at Sheffield Hallam University, UK under the supervision of Dr. Helen Richardson.

About the research

Historically, the workplace was viewed as a rational setting where emotions got in the way of achieving results. Now companies are focusing more on face-to-face emotional communications with customers and clients. Displaying the appropriate emotion to clients can enhance their attitude towards the employee and the organisation. For family lawyers (family law practitioners) dealing with the chaotic personal problems of clients where there are high levels of emotions such as anger and anxiety is common practice. Family law practitioners must observe professional display rules and Codes of Practice and Principles which means visible displays of emotions such as anger or annoyance are often considered an indication of deviation from professional rules and expectations. However, the court room is an emotional arena and remaining professionally objective may be extremely demanding for family law practitioners. Very little research has been carried out to date to explore how a family law practitioner may use his or her emotion skills to deal with different emotional expectations at work.

Aims of the study

The aim of this study is to explore whether family law practitioners perceive varying expectations of their displays of emotion skills at work and to consider the extent to which this perception may influence their management of emotion skills. It is hoped that the benefits of this study will enable family law practitioners to have:

- awareness that they may use emotion skills at work
- awareness of their ability to manage their emotions as a family law practitioner
- knowledge of how managing emotions can influence them in carrying out their work

I am interested in how you express and manage emotion while interacting with other people in your everyday work. Further I want to explore how you may deal with varying expectations from other people with whom you work and how it may influence your ability to manage your emotions at work. The results of this interview will be used in a study into the influences of managing emotional expectations at work.

If you are a family law paralegal, family law trainee solicitor or family law solicitor/associate/partner and currently work in Family Law, or have left Family Law, I would like to invite you to participate in this study. It will involve your commitment to:

- attend one interview, lasting for about 1 hour. The location for the interview will be arranged to suit you and your schedule.

I assure you that in doing this study I will be adhering to national ethical guidelines. Your participation is entirely voluntary and I will ensure the confidentiality and anonymity of your interview. I assure you that I will keep your name and the firm for which you work or have worked confidential by using codes in the resulting report to ensure your anonymity. Your responses will be strictly confidential. I also assure you that you have the right to withdraw from the study at any point without repercussions.

I thank you as I express my gratitude and appreciation in anticipation that you would volunteer to engage in this study. Please fill out the consent form attached should you be interested in participating in this study.

Kind regards

Andrea Subryan

Sheffield Hallam University, UK

email: andrea.d.subryan@student.shu.ac.uk

Appendix 6 - Participant's consent form



Consent form

Emotional labour conflict: An exploration of competing dynamics within family law practitioners.

Please answer the following questions by ticking the response that applies

	Yes	No
1. I have read the Information Sheet for this study and have had details of the study explained to me	<input type="checkbox"/>	<input type="checkbox"/>
2. My questions about the study have been answered to my satisfaction and I understand that I may ask further questions at any point	<input type="checkbox"/>	<input type="checkbox"/>
3. I understand that I am free to withdraw from the as outlined in the Information Sheet, without giving a reason for my withdrawal or to decline to answer any particular questions in the study without any consequences to my future treatment by the researcher.	<input type="checkbox"/>	<input type="checkbox"/>
4. I agree to provide information to the researchers under the conditions of confidentiality set out in the Information Sheet.	<input type="checkbox"/>	<input type="checkbox"/>
5. I wish to participate in the study under the conditions set out in the Information Sheet.	<input type="checkbox"/>	<input type="checkbox"/>
6. I consent to the information collected for the purposes of this research study, once anonymised (so that I cannot be identified), to be used for any other research purposes.	<input type="checkbox"/>	<input type="checkbox"/>
7. I would like to participate in a longitudinal study which may arise as a result of this current study.	<input type="checkbox"/>	<input type="checkbox"/>

Participant's Signature: _____ **Date:** _____

Participant's Name (Printed): _____

Contact details: _____

Researcher's Name (Printed): ____Andrea Subryan____

Researcher's contact details:

Sheffield Hallam University, Sheffield Business School, Howard Street, Science Park, Unit 5, Sheffield, S1 1WB.

Please keep your copy of the consent form and the information sheet together.

Appendix 7 - Semi-structured interview questions

Interview questions

Introduce self

Statement about research: I am undertaking a research project looking at the how family law practitioners may use emotional skills at work when interacting with different people. I am particularly interested in how the emotional skills are used to perhaps deal with any different types of interactions, how the solicitors feel about using different emotion skills and how this may influence the solicitor.

Confidentiality: remind participants of confidentiality and anonymity

Ask whether the participants mind if the interview is taped.

Demographic Questions

Demographic questionnaire

Participant	
Age range	20-29 <input checked="" type="checkbox"/> 30-39 <input checked="" type="checkbox"/> 40-49 <input checked="" type="checkbox"/> 50-59 <input checked="" type="checkbox"/> 60-69 <input checked="" type="checkbox"/> 70+ <input checked="" type="checkbox"/>
How many years qualified?	
How many years practising family law?	
What is your job title?	
What type of work do you carry out?	
How did you come to practise family law?	
What is the size of the firm?	
Head Office Location?	
Gender	Male <input checked="" type="checkbox"/> Female <input checked="" type="checkbox"/>
Ethnicity	

Questions regarding daily interactions at work

1. Who do you interact with generally in your job?
2. Were you taught about how to express/display appropriate emotions depending on who you were interacting with? / How were you taught? / If not taught, how did you learn?
3. What, if any, emotions do you think are expected from you by:
 - a. client's?
 - b. the profession?
 - c. your firm/employer?
4. How do you manage these expectations?

Questions regarding the use of emotion management skills at work. (Emotional labour)

5. How do you handle emotive issues when dealing with clients in interviews? How do you feel afterwards?
6. Think of a time when you felt you needed to alter your emotions in order to get your job done. Using examples, tell me how you altered your emotion, or used emotion management skills, and how it worked.

Questions regarding different emotional labour expectations. (social identity theory)

7. Can you think of a time when you may have had to act differently with different people at work? How did you deal with this?
8. Does the way you act with other professionals differ from the way you act when dealing with clients? Does your behaviour towards other professionals differ from when you find yourself in more formal settings, for example at court?
9. Do you feel pressured to act in a certain way with different people? Where do you think this pressure comes from? How do you deal with this?

Questions regarding how a participant may deal with any emotion management conflict. (communities of coping)

10. How do you feel about having to perform the variety of emotion management skills for people? Does having to perform different emotion management skills have any influence on how you feel about your job?
11. Are there any formal support mechanisms provided to you to help you cope with the emotional demands of your job? Do you have informal support networks to help you deal with the emotional demands of your job? Are you able to discuss any issues, for example, with other colleagues/administrative staff? What about outside of work?

NB: please note that I intend to carry out semi-structured interviews so there may be other questions that I ask depending on what the participants are saying. Alternatively, I may not ask some of the questions above again depending on what the participants are saying to me. These questions are simply a guide at this stage.