



**Judicial perceptions on working time:
Examining quality and intensity of work in Portuguese first instance courts**

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Abstract:

Judicial systems across different jurisdictions and regions of the world have, in recent years, been subject to judicial reforms that have reconfigured the way judges work. Although they are not considered to be typical workers and studies on judges' working conditions are not very common, the few studies that do exist point to widespread dissatisfaction among judges with their working time, which is characterized by a fast pace of work and permanent work outside of conventional working hours, a result of the high volume of cases and the need to meet procedural deadlines. This article aims to look at working time quality and intensity of judges based on the perceptions of Portuguese judges working in first instance courts, in general and specialised courts, collected through a survey. The results point to differences in the perceptions of working intensity and quality between judges from general and specialised courts, as well as individual sociodemographic characteristics, such as gender, age and years of service.

Keywords:

First instance judges, working time, intensity, working conditions.

Resumen:

Los sistemas judiciales de distintas jurisdicciones y regiones del mundo han sido objeto, en los últimos años, de reformas judiciales que han reconfigurado la forma de trabajar de los

The following article is a result of Madalena Cid Teles's master's thesis in Sociology, titled *Judges' Working Time: A comparative analysis of general and specialised first instance courts*, supervised by Paula Casaleiro and presented to the Faculty of Economics of the University of Coimbra in July 2023. The thesis was elaborated as part of a multidisciplinary project developed in the Permanent Observatory for Justice (OPJ), of the Centre for Social Studies (CES) about working conditions, professional burnout, health and well-being of Portuguese judges.

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jueces. Aunque no se les considera trabajadores típicos y los estudios sobre las condiciones de trabajo de los jueces no son muy comunes, los pocos estudios que existen apuntan a una insatisfacción generalizada de los jueces con su tiempo de trabajo, que se caracteriza por un ritmo rápido y un trabajo permanente fuera del horario laboral convencional, resultado del elevado volumen de casos y de la necesidad de cumplir los plazos procesales. Este artículo pretende analizar la calidad e intensidad del tiempo de trabajo de los jueces a partir de las percepciones de los jueces portugueses que trabajan en tribunales de primera instancia, en juzgados generales y especializados, recogidas mediante una encuesta. Los resultados apuntan a diferencias en la percepción de la intensidad y la calidad del trabajo entre jueces de tribunales generales y especializados, así como en las características sociodemográficas individuales, como el sexo, la edad y los años de servicio.

Palabras clave:

Jueces de primera instancia, tiempo de trabajo, intensidad, condiciones de trabajo.

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1. INTRODUCTION

The judicial reforms implemented worldwide in recent decades have adopted new organizational models, known as managerial, that distinguish themselves by an emphasis on accountability and the idea that the assessment of performance standards, quality, and efficiency within public institutions should focus on user-satisfaction, thereby fostering greater societal trust (Gomes 2015). This significant shift has resulted in drastic changes in the way judicial performance is measured and evaluated. As such, a closer examination of the internal organisation and functioning of courts, including the individual working conditions and practices of legal professionals, particularly judges, is paramount.

The management reforms of judicial systems have influenced a shift in the way judges are perceived: not just as representatives of a sovereign body (the courts), but also as workers, as ‘service providers’ (Blackham 2019) subject to performance and productivity demands. Examining judges’ working conditions therefore requires an understanding of courts as work environments (Branco 2015) and judicial office as a form of employment (as conceptualized by Kenney 2002, cited by Roach Anleu and Mack 2009). Nevertheless, it remains essential to recognise that judging is “very different from most other occupations, because of judicial independence and security of tenure” (Roach Anleu and Mack 2009, p. 80).

In Portugal, the judicial system reform of 2014 (and subsequent adjustments in 2017 and 2019) introduced a revised management model, aligned with the principles of New Public Management (NPM), which emphasises measurable efficiency and effectiveness, as well as a new judicial map and an increase in specialised courts. The reform entailed a complete geographic redistribution of courts, resulting in the closure of 20 courts and the conversion of another 27 into local sections under a centralised structure. Specialisation also played a crucial role, particularly in establishing additional family and commercial courts.¹ Specialisation is understood as a multifaceted principle aimed at deeper knowledge or expertise within particular legal fields (Mak 2008). In the judicial context, specialisation means that specific courts are limited in scope to particular areas of law (e.g., criminal law) or specific types of cases (e.g. domestic violence). Specialisation is believed to improve the speed, efficiency and quality of justice (Gomes 2015), however, this claim has yet to be empirically substantiated (Garoupa *et al.* 2010).

The ‘judges’ we refer to in this article are the judicial officers who preside over legal proceedings at the initial or trial level within the District Courts, i.e., lower or first instance courts (*Tribunais de Comarca*, in Portugal). The Portuguese judiciary, rooted in the civil law tradition, operates through a dual court system consisting of Judicial and Administrative-Fiscal courts. The Judicial courts are structured in three tiers: the Supreme Court (*Supremo Tribunal de Justiça*), the Courts of Appeal (second instance courts, known as *Tribunais da Relação*) and the District Courts (first instance or lower courts, called *Tribunais de Comarca*). Each District Court comprises various sections, which may either

¹ According to Cura (2015), the specialisation introduced in the Portuguese judicial system with the 2014 reform falls short since the specialisation of this reform does not mean the creation of new specialised courts (i.e. courts of domestic violence) but rather the opening of a larger number of courts in already existing areas of the law (family and commercial law).

be of general jurisdiction—handling cases that do not fall within the specialised or exclusive jurisdiction of other courts—or be organised according to specific subject matter and case value. Specialised courts are responsible for hearing cases in areas such as criminal law, family law, juvenile matters, labour law, commercial law, maritime law, and sentence enforcement. These courts can be further subdivided based on factors such as the severity of the offence in criminal cases or the value of the claim, thus distinguishing between central and local (criminal or civil) courts.

Research on judges' working conditions remains limited, yet existing studies indicate a pattern of growing dissatisfaction among judges concerning their working conditions, a trend evident across various judicial systems (Casaleiro *et al.* 2019). These studies take into consideration sociodemographic characteristics such as gender, age and years of service (Lipp and Tanganelli 2002, Ludewig and Lallave 2014, Miller *et al.* 2018, Roach Anleu and Mack 2016, International Bar Association 2021), and highlight differences in judges' perceptions according to their legal specialisations (Lipp and Tanganelli 2002, Lustig *et al.* 2008b, Flores *et al.* 2009, Miller *et al.* 2018).

In line with these research topics, this article aims to examine the perceptions of quality and intensity of working time among Portuguese judges working in first-instance courts. The results presented are based on the general hypothesis that Portuguese judges will align with international trends and perceive the quality and intensity of their working time negatively. The discussion is subsequently framed around two specific hypotheses: first, that sociodemographic and professional characteristics, such as gender, age, and years of service, influence this perception; and second, that these perceptions vary according to the legal area in which judges operate. The article aims to enhance the understanding of judges' working time by examining their perceptions of quality and intensity, while also exploring the influence of sociodemographic characteristics and the role of specialisation.

The article is structured into five sections. The initial section delves into a review of existing literature to discern trends in judges' working time. The second section outlines the methodology and research instruments employed to explore the judges' perceptions, alongside a characterization of the sample. In the third and fourth sections, the findings from the collected data are presented, with analysis across dimensions of quality and intensity, as well as a cross-referencing with factors such as gender, age, and years of service. Subsequently, the fifth section analyses the findings by presenting six judge profiles, allowing for an assessment of the role of specialisation in shaping judges' perceptions of their working time. Finally, the article concludes with a discussion of the findings.

2. JUDGES' WORKING TIME: THE GENERAL TREND OF DISSATISFACTION WITH WORKING TIME

In the 1980s and early 1990s, growing concern about judges as a socio-professional group spurred pioneering studies in the United States and Canada examining judges' working conditions (Ryan *et al.* 1980, Zimmerman 1981, Rogers *et al.* 1991, Eells and Showalter 1994). After these studies, it was not until the mid-2000s that new research began to emerge, prompted by judicial reforms implemented globally, which have substantially reshaped judges' professional environments (Casaleiro *et al.* 2019).

Working conditions encompass a range of dimensions, and the attention or importance given to a specific dimension will depend on the social situation of a given period, as well as the material conditions of each professional group, their demands and the type of work they perform. Working time, as one dimension of broader efforts to improve working conditions, has become an area of increasing concern and analysis, particularly as work intensification has been observed since the 1980s (Green 1999) and once more during Europe's economic and financial crisis of 2008-2009 (Adăscăliței *et al.* 2022, Green *et al.* 2022).

Judges' working time is generally characterized by a fast pace of work and permanent work outside of conventional working hours, driven by large caseloads and the need to meet procedural deadlines (Rogers *et al.* 1991, Chamberlain and Miller 2008, Mack *et al.* 2011, Hakanen *et al.* 2012, Ferreira *et al.* 2014, Fonseca 2017). It is not uncommon for judges to remain in their chambers after hours or to take work home in an attempt to cope with the caseload and meet time pressures (Rossouw and Rothmann 2020). These perceptions are shared by judges in the USA (Chamberlain and Miller 2008), Finland (Hakanen *et al.* 2012), Switzerland (Ludewig and Lallave 2014), Australia (Roach Anleu and Mack 2014), Taiwan (Tsai and Chan 2010) and Portugal (Ferreira *et al.* 2014), indicating that it is widespread across many countries in the global North. This pressure seems to be accentuated in specialised courts, in areas such as family law, criminal law or immigration law, due to the complexity of these legal fields (Lustig *et al.* 2008b) and the emotional burden of the cases (Lustig *et al.* 2008b, Flores *et al.* 2009).

Additionally, international studies have found that the quality and intensity of working time are perceived differently depending on personal characteristics, with gender being a particularly significant factor (Lipp and Tanganelli 2002, Ludewig and Lallave 2014, Miller *et al.* 2018, International Bar Association 2021). Studies show that female judges are more susceptible to psychological and health problems, such as burnout (Lustig *et al.* 2008a), vicarious trauma (Jaffe *et al.* 2003) and concerns about personal safety, stress, depression and symptoms of post-traumatic stress disorder (Flores *et al.* 2009). However, to fully understand the differences in how male and female judges perceive their working conditions, it is important to consider, as noted by Roach Anleu and Mack (2009), not just gender, but its intersection with the individual's age and years of service. The authors consider that judicial culture has an equaliser effect that minimises gender differences in the perception of work conditions and that the later entry of women into the judiciary means that female judges tend to be younger and have fewer years of service compared to their male counterparts (Roach Anleu and Mack 2009).

Research has shown that the interactions between age and years of service can significantly influence workers' perceptions of the intensity and quality of their working time. Younger workers, with fewer years of experience, often report higher levels of perceived work intensity compared with older, more experienced colleagues, either self-imposed in the hopes of furthering their career or because they have not yet developed the necessary capacities or strategies to deal with their workload (Wallace 1995, 1997, Avgoustaki 2016). Therefore, the younger average age of female judges may partially explain their perceptions of higher work intensity, making age a potential confounding factor in understanding the gendered differences in perceived work conditions.

Thus, despite occasional exceptions to these patterns (e.g. Mack *et al.* 2011), and notwithstanding the geographical and temporal diversity of the studies, there is consistent evidence of judges' dissatisfaction with their working conditions, especially concerning the quality and intensity of their work (Casaleiro *et al.* 2019, Rossouw and Rothmann 2020, International Bar Association 2021). These negative perceptions appear to have intensified in recent years, likely due to factors such as the blurring of work-life boundaries and judicial reforms (Casaleiro *et al.* 2019).

Finally, although the occurrence of high levels of work intensity and long hours are not unique to the judiciary, judges' stress levels often surpass those reported in other high-risk professions, such as firefighters (Lipp and Tanganelli 2002), doctors or prison guards (Lustig *et al.* 2008a). Judges face a unique set of occupational experiences that can be disproportionately demanding (Chamberlain and Miller 2008, Flores *et al.* 2009, Miller *et al.* 2010, Tsai and Chan 2010, International Bar Association 2021): in addition to the psychosocial risk factors, there is the symbolic significance of their role, as judges' performance impacts public perceptions of the rule of law (International Bar Association 2021). Furthermore, their decisions carry tangible consequences, affecting the lives of those involved in legal disputes and, more broadly, entire jurisdictions, states, and nations (Chamberlain and Miller 2008, Chase and Hora 2009, Na *et al.* 2018). The combination of these experiences thus contributes to judges' negative perceptions of their working conditions and heightened levels of stress in the judiciary.

3. METHODOLOGY

This article draws on data collected through a survey implemented by a research project developed by the Permanent Observatory of Justice (OPJ) of the Centre for Social Studies (CES) of the University of Coimbra, entitled "Study on working conditions, professional exhaustion, health and well-being of Portuguese judges". The project was funded by the Trade Union Association of Portuguese Judges, the Supreme Court of Justice, the High Council of Judges and the Courts of Appeal. The survey was available online from 15 December 2022 to 31 January 2023 and disseminated by the High Council of Judges and the Trade Union Association of Portuguese Judges, via e-mail. The survey addressed multiple aspects of judicial working conditions, namely psychosocial risks, working hours, remuneration, intellectual demands, work-family balance, etc.

In this article, we focus on the perceptions of judges serving in Portuguese first-instance courts, as they constitute the majority of judges working in Portuguese courts (67% of the total 1,928 judges) and because these courts have the largest number of ongoing proceedings, making them the most suitable for testing hypotheses related to the quality and intensity of judicial work. Additionally, the changes introduced by the 2014 judicial reform in Portugal had a significant impact on this level of the judiciary due to the creation of more specialised first instance courts.

The sample for this study comprises 415 respondents. Based on the data provided by the High Council of Judges at the time of data collection, there were 1,301 judges actively serving in Portuguese first-instance courts, yielding a survey response rate of 32%. The questions applied in the survey on the intensity and quality of work were derived from the survey developed by the European Foundation for the Improvement of Living and

Working Conditions (Eurofound) in their European Working Conditions Surveys (EWCS) (Eurofound 2017). Where necessary, the questions were adapted to better reflect the specific structure and working conditions of judges.² The utilisation of this framework was considered particularly valuable as it allows for comparisons with the general data obtained for the working population in Portugal. This comparative approach not only situates the findings within a broader national context but also enables the identification of specific challenges unique to the judicial profession, highlighting areas where judicial working conditions diverge significantly.

The EWCS uses a methodological scheme that combines objective and subjective elements to capture the phenomenon of quality and intensity of working time, and its dimensions. EWCS measures working time quality across four dimensions: (1) duration (long working hours and days, less than 11 hours between two working days); (2) atypical working time (night work, weekend work, shift work); (3) working time arrangements (control and change over working time arrangements); (4) flexibility (ability to take an hour off during working hours to take care of personal or family matters and working in free time to meet work demands). To measure work intensity, the EWCS considers three dimensions: (1) quantitative demands (working at high speed, with tight deadlines, not having enough time to do the job and frequent disruptive interruptions); (2) pace determinants and interdependency (external factors that the worker has no control over); and (3) emotional demands (hiding feelings at work, handling angry clients, being in emotionally disturbing situations) (Eurofound 2017). For judges, these aspects translate into characteristics specific to their profession, such as the volume of cases entering the court and assigned to each judge (caseload), procedural deadlines established by law, that vary based on case urgency (urgent or non-urgent), the quantification of work through the introduction of quantitative objectives to assess judges' performance, and exposure to sensitive cases (which may impact judges in certain legal specialisations).

Due to space limitations, this article addresses only selected dimensions of working time quality and intensity as applied in the survey, specifically: work duration (average weekly working hours) and atypical working time (excluding shift work); quantitative demands (working at high speed and with tight deadlines) and emotional demands (hiding feelings at work, handling angry clients, and dealing with emotionally disturbing cases).

In terms of sociodemographic characterization, 123 (29.61%) of the respondents were male, and 290 (69.9%) were female. The majority of respondents were between 41 and 50 years old (48.45%). Regarding years of service, the majority of respondents reported between 16 and 25 years (48.2%) of service, followed by 6-15 years (28.4%) (see Table 1).

² For instance, in Eurofound's version, the response options to the question "How are your working periods determined?" include: "1=Set by the company/organisation with no possibility of change; 2=You can choose from several fixed schedules determined by the company/organisation; 3=You can adapt your working hours within certain limits (e.g., flexibility); 4=Your working hours are entirely determined by yourself." As judges do not work for a company or organisation, the responses were revised as follows: "1=Set by management bodies with no possibility of change; 2=You can choose from several fixed periods determined by management bodies; 3=You can adapt your working periods, except for those defined for public acts and/or urgent proceedings; 4=Your working periods are entirely determined by yourself."

TABLE 1

Variables	Frequency <i>n</i>	Percentage %
Gender		
Female	290	69.9
Male	123	29.6
Would rather not answer	2	0.5
Age groups		
<30	4	1.0
31-40	59	14.2
41-50	201	48.4
51-60	139	33.5
>60	12	2.9
Years of service		
<5	49	11.8
6-15	118	28.4
16-25	200	48.2
26-35	46	11.1
>36	2	0.5

Table 1. Sociodemographic characterization of the sample (n= 415).
(Source: Cid Teles 2023.)

The 415 judges surveyed worked across a range of court types, from general jurisdiction courts (10%) to local criminal (17%), civil (17%) and family courts (10%). To facilitate data analysis, the “court where you work” was grouped into five categories based on procedural area(s): general jurisdiction, criminal, civil, family and labour.³ Accordingly, of the 415 judges who participated in the survey, 42 (10%) belonged to the area of general jurisdiction, 146 (35%) to the criminal courts, 150 (36%) to the civil courts, 45 (11%) to the family courts, and 32 (8%) to the labour courts (see Table 2).

TABLE 2

Variables	Frequency	Percentage %
General	42	10
Criminal	146	35
Civil	150	36
Family	45	11
Labour	32	8

Table 2. Procedural area where the judges in the sample work (n=415).
(Source: Cid Teles 2023.)

³ These categories do not faithfully replicate the legal categories.

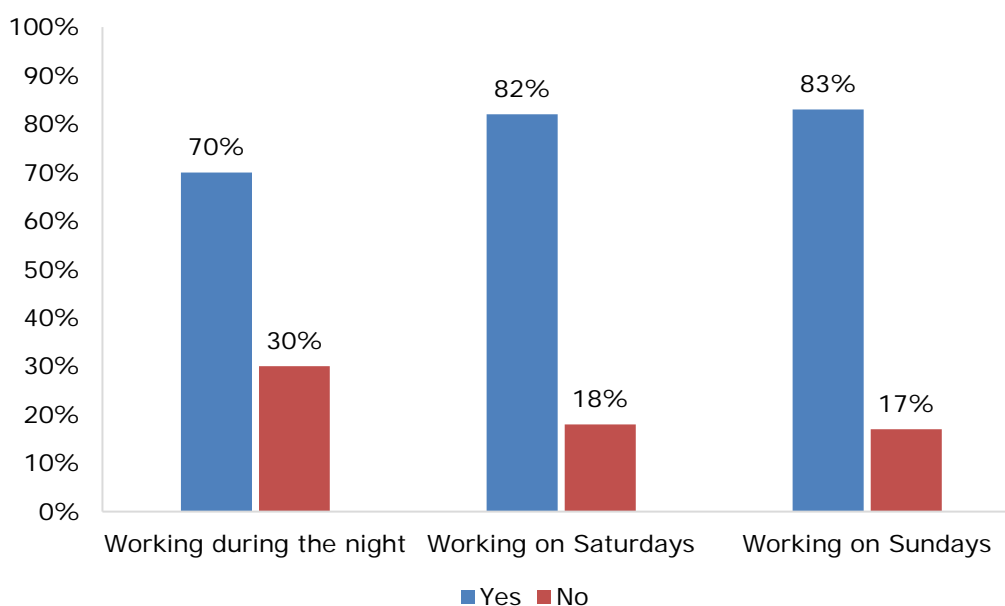
4. QUALITY AND INTENSITY OF WORK: JUDGES' PERCEPTIONS

The following section will present the survey results on the Portuguese judges' working conditions, focusing on the quality and intensity of their working time. The data collected will be analysed and compared with findings from the EWCS on working conditions in Portugal, offering a broader context for understanding the specific challenges faced by judges. This approach will allow for a deeper understanding of how the judicial profession in Portugal aligns with, or diverges from, general working trends in the country.

The statutes governing judges don't prescribe a specific working schedule, however, the 35-hour weekly regime of the civil service applies to them on a subsidiary basis. Across Europe, in all employment sectors, there has been a trend towards a decline in the average weekly working hours. The majority of Portuguese workers work between 35 and 40 hours per week (Eurofound 2017). In contrast, judges in Portuguese first instance courts report working an average of 47 hours per week. A whopping 88% of judges report working more than 35 hours per week, while only 12% report working 35 hours or fewer per week. According to Eurofound (2017), individuals reporting long working hours are more likely to experience difficulties with work-life balance and health.

Working during the weekends is considered 'atypical' working time as it limits opportunities for social engagement. In Portugal, workers hardly work at night, but almost half of the population reported working on weekends (Eurofound 2017). Judges typically work in shifts, including weekend shifts, to guarantee compliance with legal principles in urgent cases, but otherwise, working on weekends and during the night can be a sign of work spilling over personal/family life. Regarding atypical working hours, 70% of judges reported working during the night, and 81% report working on Saturdays and 83% on Sundays (see Graph 1).

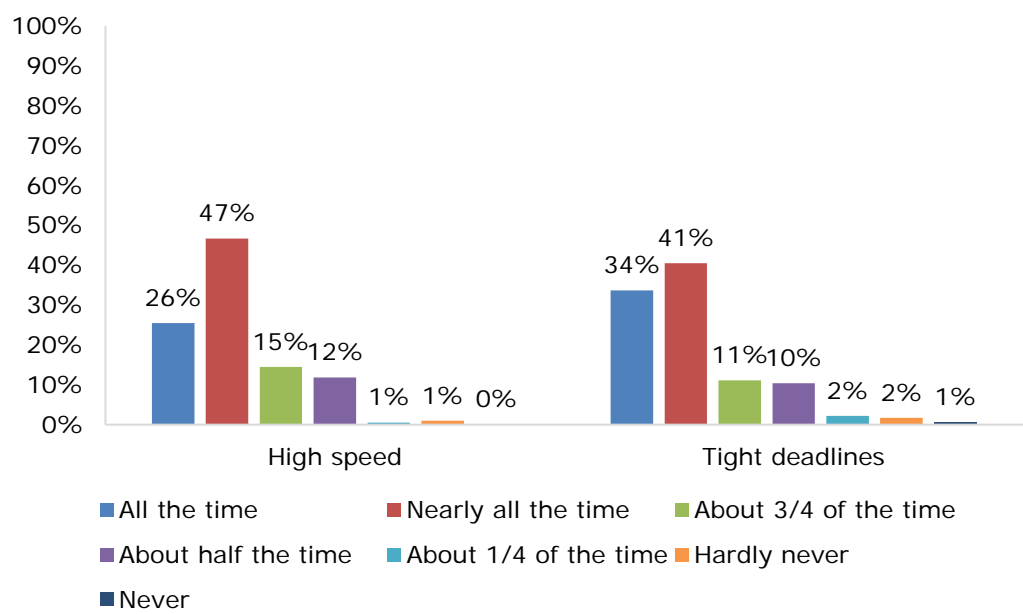
GRAPH 1



Graph 1. Reported atypical working time.
(Source: Cid Teles 2023.)

Concerning the quantitative demands on their working time, most Portuguese workers report only sometimes needing to work at very high speed or under tight deadlines (Eurofound 2017). However, among Portuguese judges, 47% report working at high speed nearly all of the time, with a further 26% indicating this occurs all of the time (see Graph 2). Simultaneously, 41% of judges report working under tight deadlines nearly all of the time, while 34% experience this constantly (see Graph 2). High work intensity is associated with a negative impact on health and well-being and is not necessarily linked to better performance (Eurofound 2017).

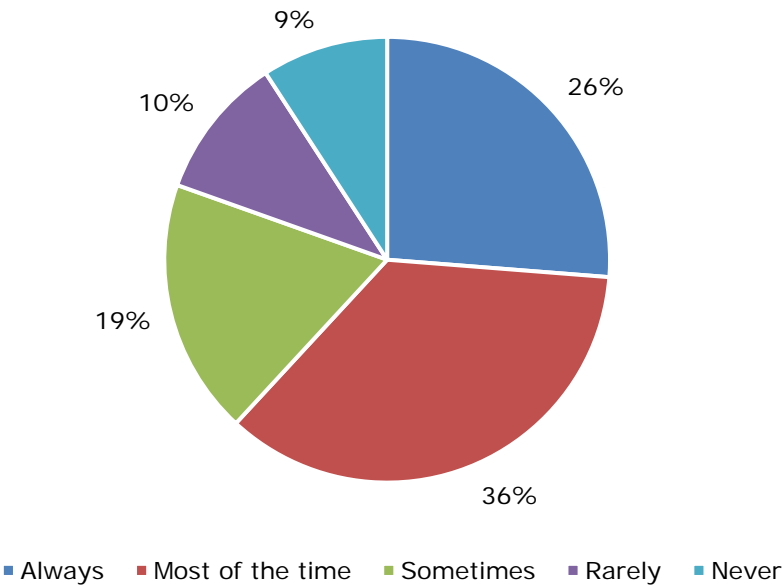
GRAPH 2



Graph 2. Reported quantitative demands.
(Source: Cid Teles 2023.)

Managing emotions at work requires considerable mental effort. Research shows that high emotional demands can lead to various mental health issues, as well as feelings of fatigue and burnout (Eurofound 2017). While most Portuguese workers report rarely or never having to hide their feelings at work, Portuguese judges frequently experience such demands. Specifically, 36% report that they are unable to show their feelings nearly all of the time with another 26% reporting this as all of the time (see Graph 3).

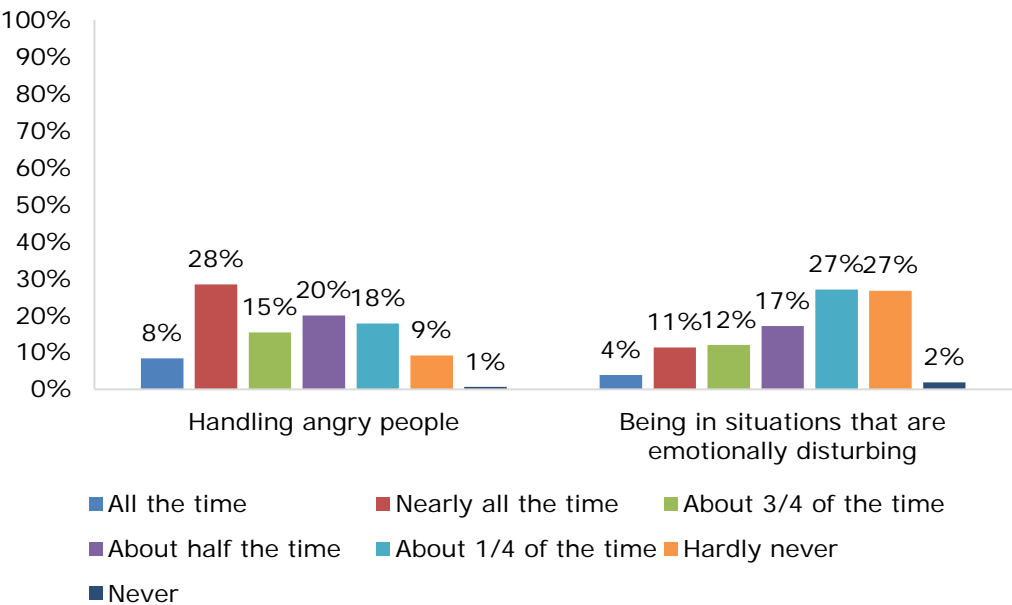
GRAPH 3



Graph 3. Reported emotional and cognitive demands - unable to show feelings.
(Source: Cid Teles 2023.)

Regarding interactions with angry individuals, more than half the Portuguese working population reported it being something that happens rarely, in contrast with 28% of judges encountering this situation nearly all of the time (see Graph 4). Lastly, 17% of judges report being in emotionally disturbing situations about half the time (see Graph 4), as opposed to 80% of Portuguese workers reporting that those situations happen rarely.

GRAPH 4



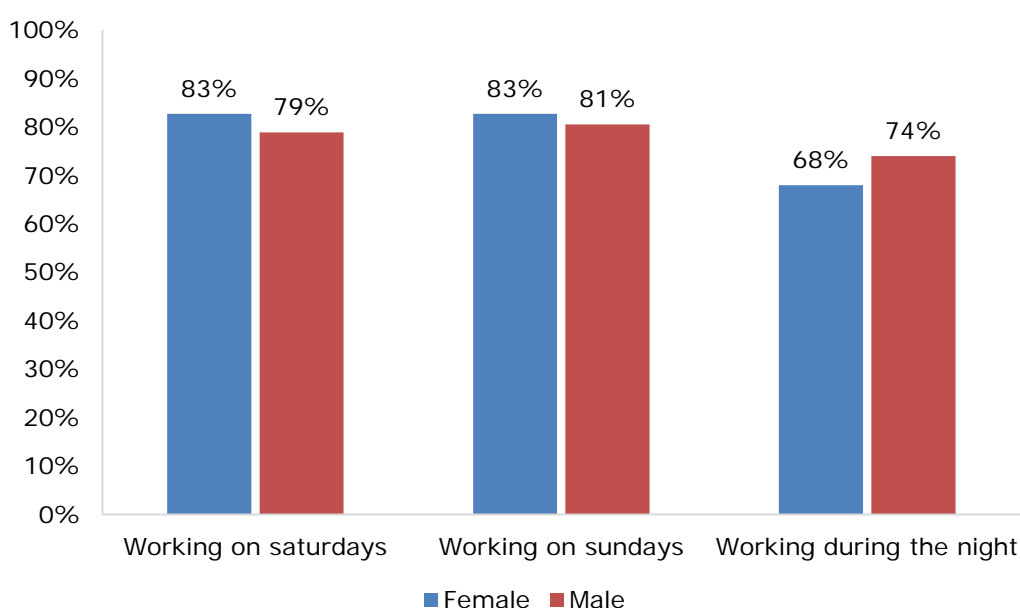
Graph 4. Reported emotional and cognitive demands - handling angry people and being in situations that are emotionally disturbing.
(Source: Cid Teles 2023.)

5. QUALITY AND INTENSITY OF WORK: PERCEPTIONS ACCORDING TO SOCIODEMOGRAPHIC CHARACTERISTICS

The following section examines the general findings concerning sociodemographic characteristics, including gender, age, and years of service, to test Hypothesis 2, which proposes that sociodemographic factors influence perceptions of the quality and intensity of working time. Where applicable, the specific findings related to Portuguese judges are compared with the general results of the 2015 EWCS, as reported by Eurofound (2017).

The findings of Eurofound (2017) revealed minimal gender-based differences in working time quality, a trend that is similarly reflected in the perceptions of men and women judges regarding the quality of their working time. There are no differences in the average number of hours worked per week between male and female judges, with both groups reporting an average of 47 hours; however, male judges are more likely to work at night, with 74% doing so compared to 68% of female judges, while female judges more frequently work on weekends, with 83% reporting work on Saturdays (see Graph 5). Differences in Sunday working hours are not significant, with female judges slightly more likely to work Sundays (83% versus 81% for male judges) (see Graph 5).

GRAPH 5



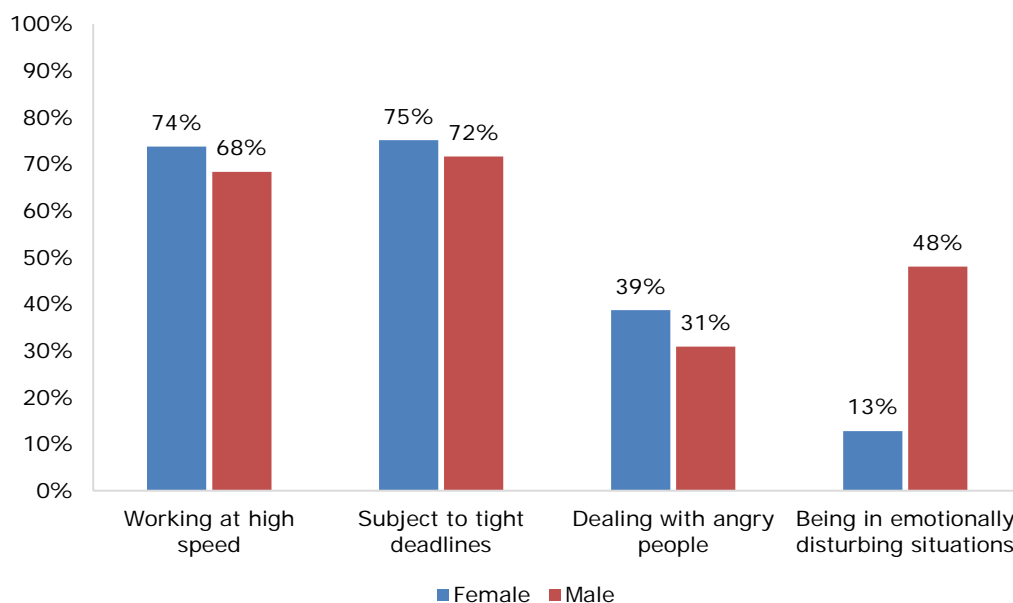
Graph 5. Atypical working hours - differences based on gender.
(Source: Cid Teles 2023.)

Regarding working time intensity, Eurofound (2017) found that men and women report a very similar level of work intensity. Both male and female judges similarly report high-speed work demands, with 68% of male judges and 74% of female judges working at high speeds more than half the time (see Graph 6). Tight deadline pressures show a comparable pattern, with 75% of female judges and 72% of male judges reporting frequent deadline demands (see Graph 6).

In terms of emotional demands, Eurofound (2017) notes that women tend to report experiencing emotional demands more frequently than men. Specifically, 18% of women

report having to deal with angry clients three quarters or more of the time (compared to 13% of men), and 35% of women report being in emotionally disturbing situations frequently (versus 25% of men). Among Portuguese judges, female judges similarly report higher rates of dealing with angry people (39% compared to 31% of male judges) (see Graph 6). A higher percentage of male judges report that this situation occurs “rarely”. Interestingly, when reporting on emotionally disturbing situations (see Graph 6), 48% of male judges indicate experiencing them, compared to only 13% of female judges.

GRAPH 6

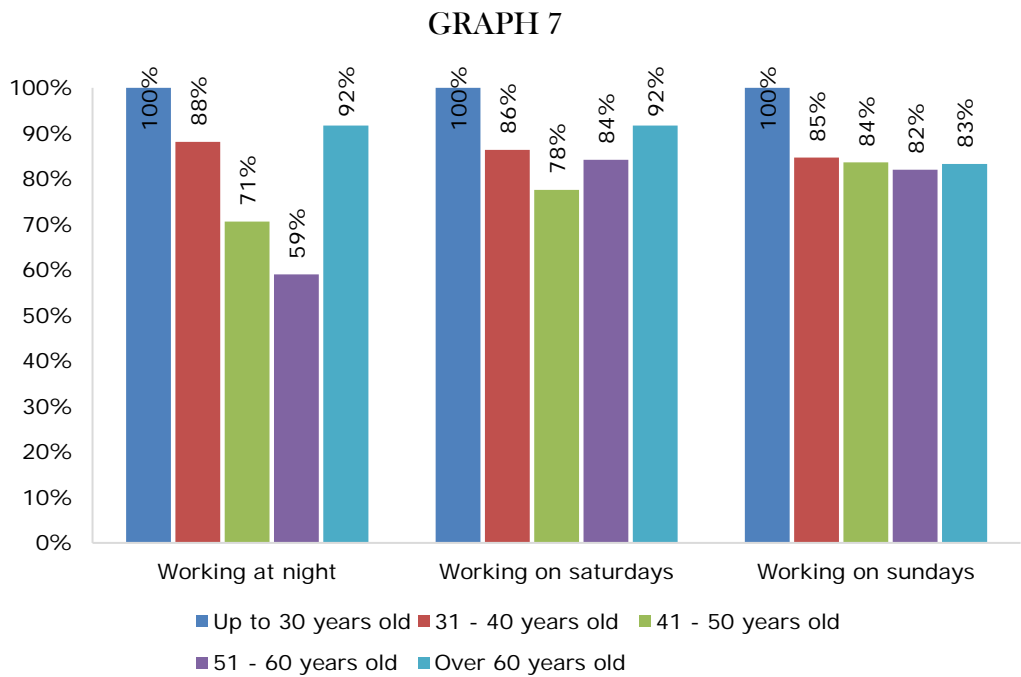


Graph 6. Quantitative and emotional and cognitive demands - differences based on gender.

(Source: Cid Teles 2023.)

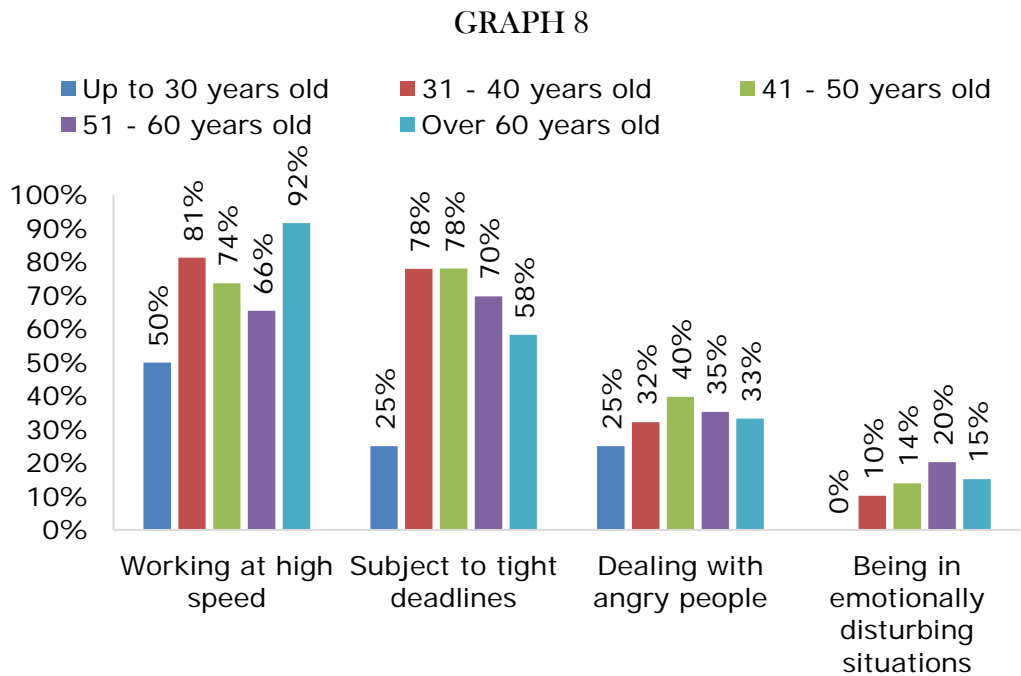
Research by Roach Anleu and Mack (2016) highlights a lack of ‘gender stratification’ in the judiciary, compared to other professions. They argue that “men and women at the same court level undertake the same kinds of work, exercise the same formal legal authority and receive the same salary and benefits” (Roach Anleu and Mack 2016, p. 217), reducing the likelihood of typical gender disparities within the workplace. The authors conclude that “court hierarchy, but not gender, makes a difference to the frequency of out of court work” (Roach Anleu and Mack 2016, p. 218).

Examining age and years of service, Eurofound (2017) found that older workers report lower work intensity than younger and middle-aged workers, with minimal differences in working time quality across age groups. For Portuguese judges, younger judges – those under 31 or aged between 31 to 40 - report the highest weekly working hours (averaging 58 and 54 hours per week, respectively). These younger age groups also report the most atypical working hours, with 88% of judges under 40 reporting working at night, followed by 86% working on Saturdays and 85% on Sundays (see Graph 7).



Graph 6. Atypical working time - differences based on age groups.
(Source: Cid Teles 2023.)

As far as quantitative demands at work are concerned, the majority of younger judges’ report working at high speed most or almost all of the time, with 81% for judges up to 40 and 50% up to the age of 30 indicating such demands (see Graph 8). Notably, older judges (over 60) also report high work speed demands, with 92% stating that they must work at a fast pace most or almost all of the time (see Graph 8).



Graph 7. Quantitative and emotional and cognitive demands - differences based on age groups.
(Source: Cid Teles 2023.)

6. TAKING SPECIALISATION INTO ACCOUNT

The analysis presented thus far confirms the hypotheses set out in this article: that judges generally hold negative perceptions regarding the quality and intensity of their working time and that sociodemographic characteristics influence these perceptions. However, the results also diverge from certain trends noted in the literature on working conditions, particularly concerning age.

To further examine and contextualise these findings, we cross-referenced the courts where judges work with sociodemographic factors to explore the influence of specialisation in judges’ perceptions of their working time. This analysis enabled the development of five distinct profiles of judges, according to the areas of law in which they work: (1) judges of general jurisdiction, and judges working in specialised courts, further divided into (2) criminal, (3) family, (4) civil and (5) labour law.

Beginning with judges of general jurisdiction, our findings indicate they are, on average, younger (approximately 40 years of age), predominantly female and at an early-stage in their careers, with an average of seven years of service. These judges report an average weekly working time of 53 hours, with notably atypical working patterns, including frequent night and weekend work. They also report experiencing high work intensity, often needing to work at high speed and to strict deadlines. However, their work environment appears less emotionally and cognitively demanding, with fewer reports of exposure to emotionally disturbing situations or interactions with angry individuals (see Figure 1).

FIGURE 1

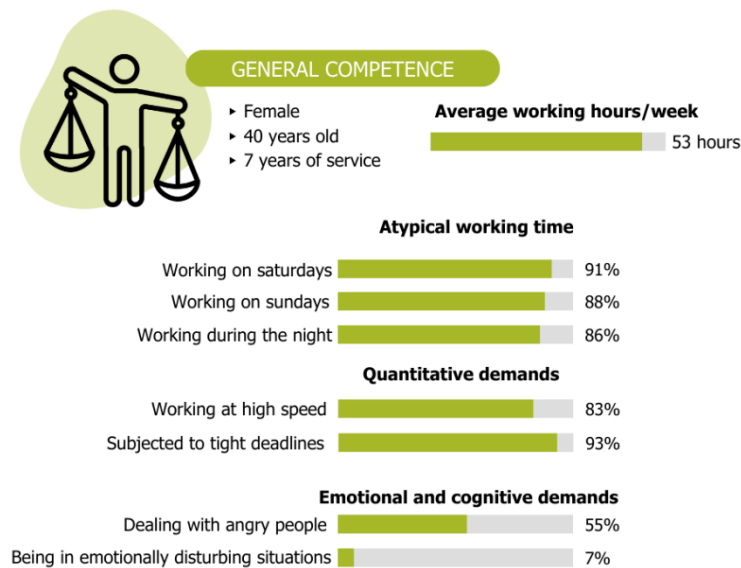


Figure 1. Profile of judges working with general jurisdiction.
(Source: Cid Teles 2023.)

General jurisdiction courts serve as entry-level placements within the Portuguese judiciary, which may account for the relative youth and limited experience of these judges. This position likely also contributes to the high work intensity and extended hours reported, potentially due to several factors: (1) younger, early-career judges may not yet have mastered

strategies to manage their caseload efficiently. Younger workers often struggle to achieve a work balance that allows them to work fewer hours or at a more moderate pace, a skill that comes with time and knowledge of the intricacies of the work; (2) generalist judges handle cases across diverse legal areas, which can make it difficult to adopt a “management mode” that works for every case since each one is unique and procedures may vary; (3) as noted by Avgoustaki (2016) and Wallace (1995, 1997), younger, early-career professionals frequently self-impose high intensity work to achieve professional advancement and secure stability within their institutions. In the judiciary, this tendency may be heightened by the need for positive performance evaluations in judicial inspections, a primary measure of competence and suitability for progression in the absence of years of service.

In specialised courts, efforts to construct sociodemographic profiles for each distinct area of law revealed no significant differences. Similar to judges in general jurisdiction courts, a higher prevalence of female judges was observed; however, this trend appears to be less attributable to the nature of specialisation and more reflective of the broader feminisation of the judiciary, particularly within first-instance courts (Duarte *et al.* 2014). The average age of specialised judges is 48, with around eighteen years of service (see Figure 2), highlighting a notable contrast between the two groups in terms of career stage and professional experience.

FIGURE 2

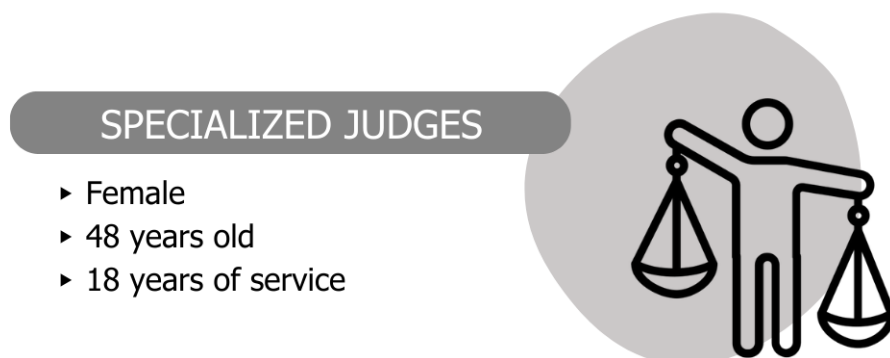


Figure 2. Sociodemographic characteristics of specialised judges.
(Source: Cid Teles 2023.)

Although sociodemographic differences among judges across various specialised areas are relatively minor, significant disparities in the perceived quality and intensity of work are evident among judges practising in criminal, family, civil, and labour law. This observation may suggest that specialisation, and not sociodemographic characteristics, serve as a more influential factor in shaping perceptions of the quality and intensity of working time.

Judges specialising in criminal (see Figure 3) and family (see Figure 4) law report working an average of 46 hours per week and frequently engaging in evening or weekend work. However, it's in the intensity of their work that their profile stands out most clearly: these judges often report the need to work rapidly and meet stringent deadlines. Furthermore, cognitive and emotional demands are notably high for these judges, who frequently encounter angry individuals and face emotionally taxing situations (see Figures 3 and 4).

FIGURE 3

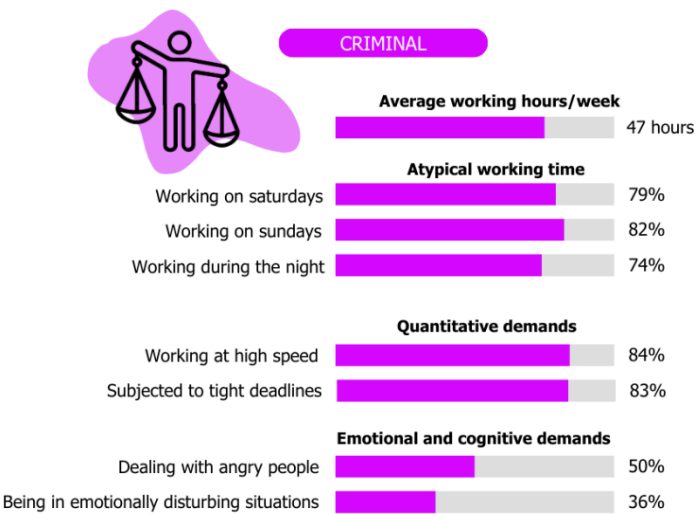


Figure 3. Profile of judges working in criminal law
(Source: Cid Teles 2023.)

FIGURE 4

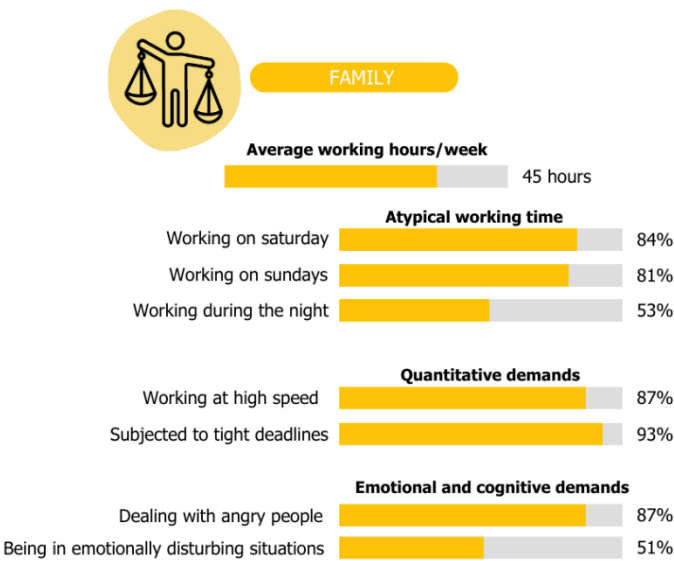


Figure 4. Profile of judges working in family law.
(Source: Cid Teles 2023.)

Judges in civil law report the longest weekly working hours among the specialised judges, averaging 48 hours, and frequently work on weekends, particularly Sundays. They report high quantitative demands, with regular high-speed work and tight deadlines; however, emotional demands are less pronounced, with only occasional exposure to emotionally charged interactions (see Figure 5).

FIGURE 5

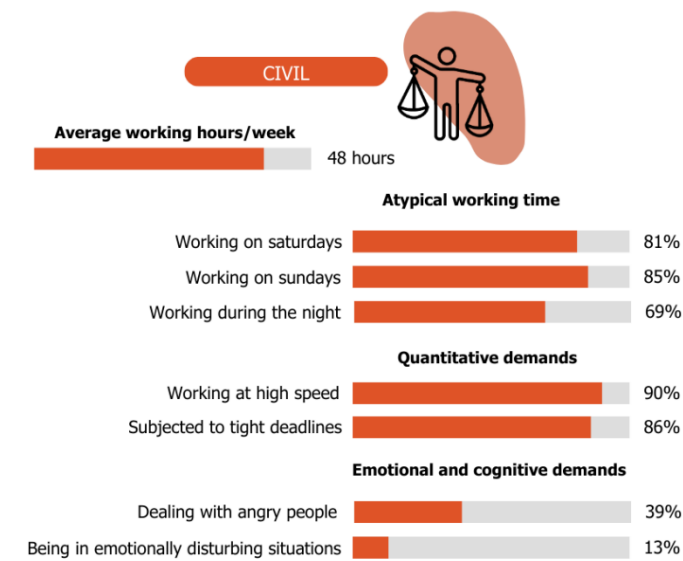


Figure 5. Profile of judges working in civil law.
(Source: Cid Teles 2023.)

Finally, judges in labour law reported an average of 47 weekly working hours, a considerably high average that is nonetheless balanced by the reports of the quality and intensity of their working time: though these judges commonly work weekends, particularly on Saturdays, they rarely work at night. They report moderate quantitative and emotional demands, with occasional exposure to emotionally disturbing situations. However, a significant proportion report frequently dealing with angry individuals (see Figure 6).

FIGURE 6



Figure 6. Profile of judges working in labour law.
(Source: Cid Teles 2023.)

From these profiles, we conclude that while some dimensions of work quality and intensity are broadly shared among judges regardless of specialisation, other dimensions correlate more closely with specific groups, particularly in terms of intensity and the quantitative, cognitive, and emotional demands of the work. Judges in general jurisdiction and civil law areas face the highest quantitative demands, often working at high speed and under tight deadlines—likely a reflection of the legal and procedural requirements inherent to these areas of law. Conversely, judges in criminal and family law encounter uniquely challenging cognitive and emotional demands, likely as a result of the characteristics of criminal and family law processes, as they involve complex legal issues and sensitive, emotionally charged situations; these judges are frequently in direct contact with individuals and families in vulnerable or adversarial circumstances. The heightened social sensitivity required in these cases introduces an additional emotional layer to the work, amplifying the need for fair and impartial judgement while managing personal emotional responses.

7. CONCLUSION

This article's primary objective was to test the hypotheses outlined at the outset, namely that Portuguese judges generally perceive the quality and intensity of their working time negatively. This perception, as hypothesised, is influenced by both sociodemographic and professional characteristics, such as gender, age, and years of service, as well as the specific legal area in which judges operate.

The findings presented and discussed confirm that Portuguese judges in first instance courts generally regard their working conditions unfavourably, namely the high levels of work intensity and atypical working hours. The results also validate the hypotheses by demonstrating significant variations in these perceptions, shaped by sociodemographic factors and the demands of legal specialisation. Regarding sociodemographic factors, the findings did not reveal substantial differences based on gender. This observation aligns with existing literature suggesting that age and years of experience are more influential mediating factors. Research shows that younger workers with fewer years of experience, often perceive greater work intensity, either due to self-imposed pressures aimed at career advancement or because they have not yet developed strategies to manage their workload effectively. In the judicial context, prior studies suggest that the judicial culture and career structure exert an equalising effect that minimises gender-based differences in perceptions of working conditions. However, this study does not claim that the judicial profession is immune to gender disparities, and further research is recommended to explore this issue in greater depth.

In terms of specialisation, the findings not only confirm the hypothesis that perceptions of work quality and intensity differ across specialised areas but also reveal that even within specialisations, distinct legal domains present unique challenges. This highlights that while judicial specialisation may enhance expertise and procedural efficiency, it also introduces specific demands that vary by legal area. For instance, judges specialising in criminal and family law reported elevated cognitive and emotional demands, stemming from the sensitive and often contentious nature of the cases they handle. By contrast, judges in general and civil jurisdiction courts experienced significant quantitative pressures, driven by high caseloads and stringent procedural deadlines.

These findings suggest that the impact of specialisation on working conditions in the judiciary is intricate and multifaceted, necessitating a carefully balanced approach to judicial reforms. Therefore, any effort to improve the efficiency, effectiveness, and quality of the judicial system must consider not only the broader challenges affecting judges but also the unique demands faced by those in specialised courts. Broader action, beyond specialisation, is essential to facilitate a reduction in the demands associated with judicial work, particularly when we acknowledge that specialisation itself can exacerbate negative perceptions in certain dimensions, for judges operating within criminal and family law.

It's also important to take into consideration that the implications of these findings extend beyond the immediate context of judicial work. Existing literature underscores the broader implications of judges' negative perceptions of their working environment, noting the impact on both personal well-being and the judicial system as a whole. Research on psychosocial stressors, burnout and workplace stress has shown the health and well-being effects arising from inadequate working conditions, particularly in relation to working hours. Fatigue, excessive pressure and emotional strain can lead to errors, lack of attention to detail and reduced efficiency in judicial decision-making. Simultaneously, confidence in judicial decisions and in the justice system's ability to deliver justice can be eroded if judges are perceived as overworked, exhausted or dissatisfied.

By situating these findings within broader discussions on judicial efficiency and well-being, this article aims to offer a novel perspective on the role of specialisation in shaping judicial work. It further contributes to a deeper understanding of how institutional structures and professional demands intersect to influence the working lives of judges.

Recognising the multifaceted factors that affect the quality and intensity of judicial working time is critical for improving the conditions under which judges perform their duties. Such improvements are pivotal to fostering better management within the justice system. Ensuring that the judiciary operates under conditions conducive to informed and balanced decision-making is fundamental to building a more effective, citizen-focused justice system. Moreover, prioritising the welfare and professional satisfaction of judges—through appropriate support mechanisms and resources—is indispensable for advancing towards a fairer and more equitable society, one in which the rights and interests of all citizens are safeguarded.

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