

Gluttons for punishment: Why some professionals choose the hard path

by

Lindsey Duke, BS, MBA, JD

A Dissertation

In

Business Administration

Submitted to the Graduate Faculty
of Texas Tech University in
Partial Fulfillment of
the Requirements for
the Degree of

DOCTOR OF PHILOSOPHY

Approved

Hans Hansen, Ph.D.
Chair of Committee

Roy Suddaby, Ph.D.

Elizabeth Karam, Ph.D.

Mark Sheridan, Ph.D.
Dean of the Graduate School

August 2021

Copyright 2021, Lindsey Duke

ACKNOWLEDGMENTS

This dissertation is dedicated to all of the public defenders in the United States. Specifically, I would like to thank all of the indigent criminal defense attorneys that participated in this study and all of those attorneys that are willing to share their stories with the world.

I would like to thank my family and friends for their unwavering support and love during the pursuit of my chosen professional project and the completion of this dissertation.

TABLE OF CONTENTS

ACKNOWLEDGMENTS **ii**

ABSTRACT **v**

LIST OF TABLES **vi**

LIST OF FIGURES **vii**

INTRODUCTION..... **8**

LITERATURE REVIEW..... **20**

Modus Vivendi—Seeking Means to Personal Ends 20

 Professions as institutions—Limiting the investigation..... 21

 Social Structures..... 22

 Agency as protention and project..... 27

 Archer’s modes of reflexivity: Project, Protention, and Social Structures 33

DATA AND METHODS **47**

 Critical realist perspective of structure and agency 48

 Data Collection and Analysis Procedures 50

 Data collection and sampling..... 50

 Data analysis 56

 Situating motivation narratives in time 59

 Researcher’s Context 60

FINDINGS **63**

 Opening arguments: Exposure and entry 65

 Meta-reflexive entry: Falling into a calling 70

 Just not criminal law 74

 Trial by fire 76

 Autonomous entry: Intentional advocates..... 77

 Autonomous meta-reflexive motivations: Police and poverty..... 79

 Autonomous meta-reflexive motivations: Early interests and intentions 86

 Intentional trial technicians 89

 Private practice and private disappointment 91

 Presenting the evidence: Satisfaction and persistence narratives 92

Meta-reflexive, meta motivations	93
The meta-imperative	97
Here for the underdog	99
Autonomous satisfaction: Adrenaline junkies	101
The tribe: Communicative reflexivity narratives	102
Cross examination: Sustainability.....	105
Outsider Perceptions	106
Challenging clients.....	110
Pay and student debt.....	113
The personal toll.....	120
Closing arguments: Choosing the hard path	125
DISCUSSION AND CONCLUSION	126
Modes of reflexivity and professional motivation	128
Meta-reflexive motivations and satisfaction	128
Autonomous motivations, satisfaction, and sustainability.....	130
Communicative narratives: Birds of a feather	133
Emergence of a causal structure.....	134
New experiences, new protention schemes.....	136
Institutional myth busting	137
Debt penalty	143
Conclusion	145
REFERENCES.....	147
APPENDICES	154
A. INTERVIEW PROTOCOL	154
B. INTERVIEW ACKNOWLEDGEMENT FORM	156

ABSTRACT

This study examines the subjective motivations and justifications of a group of public service professional practitioners. For this phenomenologically inspired grounded theory study, I analyze the professional autobiographical narratives of 55 indigent criminal defense attorneys in the United States. Based on the characteristics of the narratives in this study, experiencing contextual discontinuity in conjunction with previously held normative expectations of a social structure can have causal effects on an agent. The potential effect of this discontinuity is a dramatic shift in the personal perceptions, motivations, and agentic mode of an individual. Additionally, the data in this study suggests that some professionals engage in professional work with the intention to dispel and correct institutional myths in their daily practice.

LIST OF TABLES

1. Characteristics of Archer's (2003, 2007) modes of reflexivity 16

2. Demographics and pseudonyms of interview participants..... 52

3. Demographics and information for publicly available professional
autobiographies..... 53

LIST OF FIGURES

1. Archer’s (2007) internal conversation and pursuit of a satisfying and sustainable modus vivendi. <i>Note</i> adapted and reprinted from Archer (2007). <i>Making our way through the world: Human reflexivity and social mobility</i> (p. 89). Cambridge University Press.	13
2. Cardinale’s (2018) model of structure and agency. <i>Note</i> reprinted from Cardinale, I. (2018). Beyond constraining and enabling: Toward new microfoundations for institutional theory. <i>Academy of Management Review</i> , 43(1), 132-155.....	29
3. Model of the relationships between structure, agency, and reflexivity in the pursuit of a satisfying and sustainable modus vivendi	33
4. Narrative paths of indigent criminal defense attorneys across time	69

CHAPTER I

INTRODUCTION

“So, you want to be a public defender? Don’t do it for the money, there isn’t enough. Don’t do it for prestige, you won’t get any. Don’t do it for the thrill of victory, victory rarely comes. Do it for love. Do it for justice. Do it for self-respect. Do it for the satisfaction of knowing you are serving others, defending the Constitution, living your ideals. The work is hard. The law is against you. The facts are against you. The judges are often against you. Sometimes even your clients are against you. But it is a great job – exhilarating, energizing, rewarding. You get to touch people’s hearts and fight for what you believe in every day.”

Carol A. Brook
Deputy Director
*Federal Public Defender for Northern Illinois*¹

If you are arrested for a crime in the United States and you happen to be poor, you have one line of defense between you and a jail cell—the constitutional right to an attorney regardless of your ability to pay (*Gideon v. Wainwright*, 1967). As the quote above illustrates, practicing indigent criminal defense can be personally rewarding for attorneys with a focus on service, ideals, and justice. Simultaneously, this quote summarizes some of the most prevalent and well-known personal and professional disincentives to practicing in this specialty area—low pay, rare victories, and facing a system that is stacked against you on your pursuit to achieving justice for your client (who may hate you). For decades, organizational theorists have noted that professions

¹ *Note.* Reprinted from Williams, L. D. (2012). *Careers in indigent defense: A guide to public defender programs*. Cambridge. Retrieved from <https://hls.harvard.edu/content/uploads/2008/07/2012pdguide.pdf>

and professional practice are especially important to the functioning and maintenance of the “core disciplines” or the “transcendent values” (Freidson, 2001, p. 161; *see also* Brint, 1994; Khan, 2018; Mutch, 2018) of life in modern societies like justice, education, and medicine (Leicht, 2016; Leicht & Fennell, 2008; Leicht & Lyman, 2006). However, the literature still lacks an empirical explanation account from professionals themselves as to why they practice (Kahn, 2018). This is especially true with regard to professionals working in public service and nonprofit capacities with few notable exceptions (e.g., McPherson & Sauder, 2013; Wright, et al., 2017). This paper seeks to begin unlocking this black box in organizational studies by asking one set of guardians of social life and social order why they keep guard. The findings of this study have the potential to be transferable (Lincoln & Guba, 1985) to studies of other professions and professionals that serve a guardianship role in society, especially those focused on public service.

In order to investigate and explore why people pursue particular life projects, like choosing a career, the relationship between the concepts of agency and structure have been widely adopted in organizational and sociological studies (Archer, 2003; Cardinale, 2018; Simon, 1997; Swidler, 1986; Thornton, et al., 2012). Social structure does not have a uniform definition, but it most broadly accounts for all of the social and cultural rules, norms, expectations, and resources that individuals encounter as members of societies living out their daily lives (Cardinale, 2018; Sewell, 1992). Agency is “a temporally embedded process of social engagement informed by the past (in its habitual aspect), but also oriented toward the future (as a capacity to imagine

alternative possibilities) and toward the present (as a capacity to contextualize past habits and future projects within the contingencies of the moment)” (Emirbayer & Mische, 1998, p. 963). Agency consists of projection (or forming and executing personal projects) and protention (a tendency for individuals to pursue some courses of action over others) (Cardinale, 2018). An individual’s projects and protention are enabled, constrained, and oriented by the social structures they encounter and are surrounded by from birth (Archer, 2003; Cardinale, 2018; Suddaby, et al., 2016). Within this context, Archer (2003) theorizes that each individual’s ultimate goal is to conceive of life projects that they believe will lead them to a satisfying and sustainable *modus vivendi*—or mode of life (Archer, 2003, 2007).

The decision to pursue a particular career is a significant personal project because “[s]ocial structure precludes the possibilities of making a living without working” for most people (Cardinale, 2018, p. 136). If professionals that have an interest in serving the public, protecting the liberty, health, or education of a population find their work satisfying, but unsustainable, society risks losing their rights and protections. This raises two areas of interest that are the focus of this dissertation: (1) Why and how do individual attorneys choose to specialize in indigent criminal defense?, and (2) Do individual attorneys perceive the practice of indigent criminal defense law as a satisfying and sustainable project? Knowing the answer to these questions may explain why some professionals willingly put the interests and rights of others above their own self interests and professional mobility, and whether doing so is a satisfactory and satisfying long-term professional and personal decision.

If the professional practice itself is oppressive for the practitioner then talented and passionate practitioners will inevitably find other ways to practice. The long-term effect of the systemic loss of passionate and committed professionals has the potential to irreparably erode the value and quality of the professional services that are provided. When the professional services are as important as an absolute right to an attorney in all criminal matters, the social consequences of the loss of value or quality in the services provided are incalculable.

The concept of reflexivity has been widely utilized by organizational and social theorists to investigate how people exercise agency through the formation of personal projects within a structurally laden reality (Cardinale, 2018). Reflexivity is defined as “an individual’s general awareness of the constraints and opportunities created by the norms, values, beliefs and expectations of the social structures that” (Suddaby, et al., 2016, p. 229) emerge as enabling, constraining, or orienting in the perception of the individual (Archer, 2003; Cardinale, 2018). Thus, reflexivity accounts for two theoretical considerations: (1) the internal and wholly subjective process of human agency—the ability for humans to act in their own interests, form life goals, and pursue personal projects; and (2) the personal relationship to the social structures each individual subjectively encounters and experiences as they pursue their personal projects and goals throughout their life (Archer, 2003; Cardinale, 2018).

Modes of reflexivity are revealed through the language and narratives that an individual employs when discussing personal experiences (Archer, 2003, 2007; Wright Mills, 1940). By utilizing the narratives of the modes of reflexivity proposed

by Archer (2003), this paper will attempt to uncover the “why’s” of pursuing indigent criminal defense professionally and the language used by the practitioners themselves to justify entering, staying, and leaving the profession. That is, what modes of reflexivity are displayed through the language of participants that share a common professional project. The answer to “why” questions or questions of motivations cannot reflect on the individual, per se (Wright Mills, 1940). Rather, when motives are verbalized, they are considered “as a basis of inference for a typical vocabulary of motives of a situated action” (Wright Mills, 1940, p. 909). The situated action, or project, considered here is entering and practicing indigent criminal defense in the United States.

A satisfying and sustainable *modus vivendi* is only achieved through dovetailing an individual’s most pressing concerns, motivations, and values into projects (Fig. 1; Archer, 2003). Individual subjective concerns, motivations, and values are formed by the historical and present contexts that the individual is embedded within—or their subjective and historical social positioning (Cardinale, 2018; Sewell, 1992). The study of how projects are formed and pursued has gotten considerable attention in organizational studies (e.g. Simon, 1997; Swidler, 1986; Thornton, et al., 2012). There is a call, however, for an increased attention to the protention aspects of agency and how it relates the formulation of projects and an individual’s relationship to the structural pressures and forces that they encounter (Cardinale, 2018). This study seeks to begin answering this call by investigating a group of participants who share a common professional project. Undoubtedly,

however, participants will possess varying backgrounds and contexts, as well as divergent paths and individual reasons to pursue the practice of indigent criminal defense law. How and why each attorney justifies and explains their decision to enter their specialized field of practice based on their present and past contexts and their personal concerns, values, and motivations is the focus of this dissertation (Figure 1).

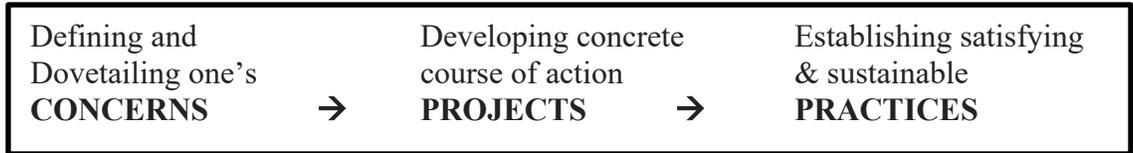


Figure 1: Archer's (2007) internal conversation and pursuit of a satisfying and sustainable modus vivendi. *Note* adapted and reprinted from Archer (2007). *Making our way through the world: Human reflexivity and social mobility* (p. 89). Cambridge University Press.

Although this study examines the subjective experiences and concerns that a particular group of public service professionals share, this study is distinguishable from general studies of career choice or public service motivation. First, this study is focused on professional work and will not consider the work of non-professionals, i.e. those professions that do not require extended schooling, annual educational requirements, and licensure required to practice (e.g. Bunderson & Thompson, 2009). Further, unlike the majority of studies in career choice and planning, this study does not utilize students in its sample that have not actually embarked on their profession, nor does this study look at students' or individuals' expectations or aspirations in conjunction with a perceived preferred career paths (e.g. Crossley & Mubarik, 2002; Lent, et al., 2002; Lent, et al., 2000; Ng & Gossett, 2013). Additionally, this study does not try to predict career paths (Godwin, et al., 2016; Hackett, 1995) as all participants in this study share the same professional practice. Further, this study does

not assume that a general motivation characteristic or trait is shared among participants in this study by virtue of their career choice in contrast to studies relating to public service motivation or orientation (e.g. Ashraf, et al., 2014; Crewson, 1997; Weresh, 2013; Wright & Christensen, 2010). Rather, the underlying causal mechanisms and agential processes that led the professionals in this study to their chosen professional practice are theoretically inseparable from the individual subjective concerns and pursuits they [fallibly] believe will lead them to an overall satisfying and sustainable *modus vivendi* and should not be generalized beyond the participants' own experiences and perceptions or treated as traits or characteristics of the individuals as a whole (Camilleri, 2007; Fassinger, 1997).

Beyond career choice, this study adopts the institutional theory perspective that the practice of professionals is essential and inextricable to the maintenance of individual rights and liberties as well as upholding society's most valued tenets (Abbott, 1988; Kahn, 2018; Mutch, 2018; Scott, 2008). Thus, the purpose of this study is to explore how a specific and socially invaluable professional practice is related to and serves (or does not serve) the individual practitioner's transcendental quest for a satisfying and sustainable *modus vivendi*. This inquiry is to understand why and how individual professionals justify choosing their practice area and whether maintaining this practice is satisfying and sustainable for the individuals practicing. By extension, this study seeks to shed light on the greater social risk that is posed by the possibility of, at its most extreme, American society losing its absolute right to counsel. Less extreme, but a precursor to entire loss, is the systemic undermining of the value of

indigent criminal defense services rendered in contexts where counsel themselves cannot sustain this practice resulting in experienced individuals feeling compelled to seek alternative professional paths even if they do not want to. Unlike the study of everyday careers, the implications of the sustainability and satisfaction of practicing in various professional contexts can have ramifications beyond the individual professional and can affect society and social values broadly. This professional practice is such a case.

In order to investigate the subjective experiences, concerns, and values of individual indigent criminal defense attorneys, I will apply Archer's (2003) critical realist perspective of reflexivity and the use of the internal conversation as a proxy for (1) project and protention aspects of individual agency in search of a satisfying and sustainable *modus vivendi*; and (2) the enabling, constraining, and orienting power of structure on individual actors that share a common project (Cardinale, 2018; Emirbayer & Mische, 1998; Sewell, 1992).

Archer's (2003) exploratory study into the reflexivity exercised by everyday people in her community resulted in her conceptualization of four modes of reflexivity—communicative reflexivity, autonomous reflexivity, meta-reflexivity, and fractured reflexivity²—the first three of which will be used here (Table 1).

² Fractured reflexives are, for all intents and purposes, non-reflexive or unable to engage in reflexivity, based on extreme experiences and personal hardships. People who experience fractured reflexivity, according to Archer's (2003) study, are those that cannot in their present circumstances, adequately navigate social structures or form a satisfying or sustainable *modus vivendi*. Rather, their primary concern is survival. Archer (2003) indicates that fractured reflexivity is extremely rare and reserved for the most difficult social situations and contexts that afflict our most vulnerable and destitute members of society.

Table 1: Characteristics of Archer's (2003, 2007) modes of reflexivity

	Communicative	Autonomous	Meta-Reflexive
Contextual History	Continuity	Discontinuity	Discontinuity
Anchored by	Family, interpersonal Relationships	Work, career, profession	Ideals, normativity
Structural Constraints and Enablements	Avoided	Embraced and seen as sources of power	Assessed and dissected from idealist or normative perspectives
Dovetailing of concerns with practices	Relative Ease	Relative Ease	Fleeting and difficult
Style in answering interview questions	Rhetorical questions from subject to researcher	Quickly and decisively	Withdrawal into self for thought—sometimes manifests physically
Long-Term <i>Modus Vivendi</i>	Sustainable and satisfying	Sustainable and satisfying	Always unsatisfying and always changing

Each mode of reflexivity is ultimately characterized by the commonalities among participants in articulating and describing their ultimate individual concerns. According to her data, an individual that primarily employs communicative reflexivity is ultimately concerned with maintaining highly valued interpersonal relationships. Unlike Archer's (2003) characterization of communicative reflexivity that emphasizes long-term and familiar and family relationships, communicative reflexivity in this study is found in narratives about close relationship ties and 'family'.

Autonomous reflexivity is broadly characterized through narrative analysis by an ultimate individual concern for one's work or career. Narratives of an autonomous character focus on the individual attorney, the thrill of trial work, and personal career satisfaction.

Meta-reflexives, generally, are ultimately concerned with normativity, idealism, values, ethics, and morals. Narratives that are meta-reflexive in nature are concerned with normative ideas like justice, freedom, vulnerable others, and underdogs. That is, these narratives are outside of the attorney's personal interests (financial or otherwise) and transcend the daily practice of their profession.

Unlike the present study where all participants will share a common characteristic—their professional specialization—Archer (2003) sought to paint a broad picture of what different forms of reflexivity may look like in the general population. Therefore, this study diverges in its interest and intended participants. Instead of seeking a representative cross-section of a community, this study seeks to dive deeper into the protection, concerns, and satisfaction and sustainability of a common professional project. Further, Archer (2003) was concerned with teasing out how people who employ different modes of reflexivity approach, perceive, and exert their agency in relationship to social structures and how that affects their social mobility—including their choice of career. In contrast, this study focuses on the reflexivity employed by a particular group of specialized professionals in relationship to their chosen profession and specialization. This paper seeks to utilize Archer's (2003) conceptualization of modes of reflexivity and apply them to autobiographical

narratives from indigent criminal defense attorneys. Further, this study seeks to explore how participants' individual concerns, values, or goals are served by their chosen professional specialization and daily practice of indigent criminal defense law in their own words.

As a macro-theoretical approach to social science research, critical realism is not associated with any particular methods. Rather, critical realism “functions as a general methodological framework for research” (Fletcher, 2017, p. 182). The critical realist perspective has gained increased attention in recent organizational studies because critical realism “provides analytical and conceptual clarity in order to extend the capability of current theorizing to deal with multilevel analyses (avoiding bifurcation around a micro-/macro- division), strengthening the conception of agency in understanding how actors inhabit institutions and elaborating the importance of actors' agentic orientations and personal histories” (Delbridge & Edwards, 2013, p. 17). Focus on the theoretical separation of structural and agential forces makes the critical realist perspective of agency and structure appropriate for inquiry into individual processes of reflexivity (Archer, 2003; Kahn, 2018; Suddaby, et al., 2016).

For this phenomenologically inspired grounded theory study, I conducted 11 intensive semi-structured interviews. This allowed me to establish a basic set of narratives and stories to answer why individuals were choosing to pursue indigent criminal defense as a profession. Additionally, I gathered and analyzed 42 autobiographical professional interviews of indigent criminal defense attorneys interviewing each other (Fletcher, 2017; Lawrence, et al., 2011; Suddaby, et al., 2016).

This process enabled me to confirm that the narratives I had heard from participants were generally shared narratives across the profession. However, a less filtered version of these stories emerges when these attorneys speak to each other about their motivations, concerns, and satisfaction. When speaking to each other, this group of professionals narrate their experiences more openly and passionately than what I experienced through the formal interview process. This provides a richer and more holistic picture of the character of the motivation and justification narratives of the individual practitioners represented in this paper and situated in the profession (Wright Mills, 1940).

The purpose of this study is to begin to elaborate on the protention and project formation of individual professionals that: (1) chose to pursue a professional practice specialization focused on public service that is widely known to not be conducive to the individual professional's personal financial or professional gains; and (2) whether a professional project undertaken under these circumstances is perceived by the individual practitioner as a project that enables or inhibits their subjective pursuits of a satisfying and sustainable *modus vivendi*—or mode of life. The motive narratives and the characteristics of those narratives situated within a common professional project are the object of this study (Archer, 2003; Wright Mills, 1940).

CHAPTER II

LITERATURE REVIEW

***Modus Vivendi*—Seeking Means to Personal Ends**

Archer (2003) proposes that all human beings are on a lifelong quest to establish a satisfying and sustainable *modus vivendi*, or way of life. She proposes that individuals, through their socialization, experiences, and perceptions develop a set of personalized concerns that they, through their exercise of individual agency, relentlessly seek to address and tend to with the development of projects. When the individual conceives of life projects—including choosing a career—that individual believes, even if fallibly, that undertaking this project will tend to their most pressing concerns and result in a satisfying and sustainable *modus vivendi* (Fig. 1).

Humans do not conceive of their goals, form motivation, or develop values in a vacuum, though. Each individual must contend with a myriad of structural forces and pressures that exist outside of themselves and seem to push them to take certain paths, forgo or form certain aspirations, and adopt or abandon certain personal projects (Archer, 2003; Cardinale, 2018; Emirbayer & Mische, 1998; Sewell, 1992). Simultaneously, individuals must contend with the rules, norms, and perceived limitations of their social position, including the one they are born into, their historical social position, and their current social position (Archer, 2003; Cardinale, 2018). This perspective of the relationship to structure and agency assumes a means-ends framework. That is, individuals assess the means they perceive to be available to them

to achieve their personal ends and address their most personal concerns (Archer, 2003; Cardinale, 2018; Emirbayer & Mische, 1998).

Professions as institutions—Limiting the investigation

The study of professions and professionals in organizational literature has historically been approached from a professions as institutions perspective leaving little to no room for theorizing about the agency or subjective experience of individuals embedded within the professions, specifically, the professionals that practice within them daily (Kahn, 2018; Seo & Creed, 2002; Suddaby, et al., 2016). With the emergence of empirical evidence that individual humans have the ability to, and often do, work to change, reject, or destroy institutions (e.g., Hardy & Maguire, 2008), the paradox of embedded agency emerged (Greenwood & Suddaby, 2006; Seo & Creed, 2002) to challenge the traditional assumption that institutions are so powerful in society that actors cannot resist their forces and pressures (DiMaggio & Powell, 1983; Selznick, 1949, 1957). That is, up until this point in institutional theory, institutions had the theoretical power to determine human behavior and actions and individuals were powerless to resist these forces (Seo & Creed, 2002; Suddaby, et al., 2016). This was termed the old institutionalism. Neo-institutional theorists have begun shifting the focus of the study of professions as institutions away from a top-down approach, to a bottom-up approach, paying particular attention to the microprocesses of institutions (Seo & Creed, 2002; Suddaby, 2010). Since this shift in the literature, organizational scholars have called for a new focus on the agency of individual professionals to better understand the professions as institutions and how much power,

influence, and force this institution has over individual professionals embedded within it (Kahn, 2018; McPherson & Sauder, 2013; Muzio, et al., 2013; Seo & Creed, 2002).

However, institutions are only one form of social structure that can, and do shape, individual behaviors, actions, and decisions (Archer, 2003; Kahn, 2018). Individual human beings experience a myriad of social structures throughout their lives and perceive each one subjectively (Emirbayer & Mische, 2003). Expanding the definition of social structure in this study allows the theoretical exploration of how individual human beings relate to the social structures that surround them, one of which is their profession, and exercise their agency to pursue a *modus vivendi*, or mode of life that they perceive to be satisfying and sustainable (Archer, 2003). Taking a more holistic approach to the human beings that have chosen to work within a profession can provide insights into professionals and the professions that have been previously unexplored.

Social Structures

Social structures have causal powers on society, organizations, and individuals, but human agency has causal power, as well, and it can mediate the effect of structural powers on the individual (Archer, 2003; Sewell, 1992). Social structures are socially constructed—not naturally occurring (Archer, 2003). However, they are relatively objective in nature because they objectively exist in our present collective cultural and social experience (Archer, 2003; Archer, et al., 1998; Danermark, et al., 2002). Whether their power is perceived by an individual subjectively depends on where and when that individual exists and how that structure is experienced in relationship to the

subjective goals, motivations, or values of the individual (Archer, 2003; Emirbayer & Mische, 1998). When a relatively objective social structure is encountered or experienced by a subjective actor, this is called “emergence” (Archer, 2003, p. 2; Danermark, et al., 2002, p. 112). Potential constraints or enablements of social structure emerge for the individual as they pursue their subjective perceptions of a satisfying and sustainable *modus vivendi* (Archer, 2003). Emergence of social structures on the individual level requires that the individual be able to acknowledge and interpret, even if fallibly, the power of structural constraints or enablements that can potentially or actually do affect their life projects (Archer, 2003; Danermark, et al., 2002).

For example, although stop signs were created by human beings, and are not objective naturally occurring phenomena, they objectively exist in our everyday lives. They are relatively objective social structures. Whether an individual actually observes a stop sign is contingent on the individual’s reflection, experience, and perception of the utility, necessity, or value of her stopping at a stop sign under particular circumstances at a particular time. Although the stop sign is there for all drivers, not all drivers stop at all stop signs at all times. For instance, a person who normally is extremely diligent about stopping a full three seconds at every stop sign they encounter finds themselves taking a friend to the emergency room. At this time, and in this context, the value of stopping or running the stop sign is weighed against the need to get the friend to the hospital. That is, the structure of ‘rush to the hospital’ is more salient than the ‘stop fully at all stop signs’ structure at this time and in this context.

This example illustrates the foundational assumptions of the relationship of structure and agency adopted in this study: social structures are socially constructed and enacted by agents. They are produced by agents and require agents to produce them (Sewell, 1992; Cardinale, 2018).

Thus, the power of relatively objective social structures emerge subjectively as they are experienced and navigated by a subjective human agent with the agential power to reflect on her place in society in relationship to society itself within a particular time and context (Archer, 2003).

Social structures are dual in nature (Giddens, 1976; Sewell, 1992). That is, social structures are “both the medium and the outcome of the practices which constitute social systems” (Giddens, 1981, p. 27). Sewell’s (1992) prolific theory of structure builds on this premise, “structures shape people’s practices, but it is also people’s practices that constitute (and reproduce) structures. In this view of things, human agency and structure, far from being *opposed*, in fact *presuppose* each other” (p. 4, emphasis in original). This echoes the view proffered by Archer’s (2003) concept of agency, structure, and reflexivity: structural “constraints and enablements do not possess an intrinsic capacity for constraining or enabling in abstraction. For anything to exert the power of a constraint or an enablement, it has to stand in a *relationship* such that it obstructs or aids the achievement of some specific agential enterprise” (p. 5, emphasis in original).

Structure should not be considered to be anything real, concrete, or tangible. Rather, “structure must be regarded as a process, not as a steady state” (Sewell, 1992,

p. 4; Giddens, 1971, 1979, 1981, 1984). Historically, structures have been considered to exist virtually, but not concretely. Sewell (1992) explained:

Structures are not the patterned social practices that make up social systems, but the *principles* that pattern these practices . . . [s]tructures do not exist concretely in time and space except as ‘memory traces, the organic basis of knowledgeability’ (i.e., only as ideas or schemas lodged in human brains) and as they are ‘instantiated in action’ (i.e., put into practice) (p. 6).

Schemas that partially constitute structure are “generalizable procedures applied in the enactment/reproduction of social life” (p. 8). As such, schemas do not exist concretely and are virtual—i.e., they cannot be reduced to their existence in any particular practice or any particular location in space and time: they can be actualized in a potentially broad and unpredetermined range of situations” (p. 8). Schemas, or social rules, are generalizable and transposable. That is, schema can be generalized to numerous and unforeseen situations and transposed to appropriately fit the previously unexperienced context of a social structure. Sewell (1992) provides examples:

Such schemas or procedures—whether rules of etiquette, or aesthetic norms, or such recipes for group action as the royal progress, grain riot, or democratic vote, or a set of equivalences between wet and dry, female and male, nature and culture, private and public, or the body as a metaphor for hierarchy, or the notion that the human being is composed of a body and a soul—can be used not only in the situation in which they are first learned or most conventionally applied. They can be generalized that is, transposed or extended to new situations when the opportunity arises (p. 8).

Schema, however, are only half of the theoretical puzzle of structure.

Building off of Giddens’ (1971, 1979, 1981, 1984) theory of structuration, Sewell (1992), advanced the notion that for structure to be truly dual in nature, it should be comprised of both actual and virtual properties. To fill this

theoretical gap, Sewell (1992) proposed the concept of structure as constituted by virtual schemas and actual resources: “Structure . . . should be defined as composed simultaneously of schemas, which are virtual, and of resources, which are actual” (p. 13).

Resources, unlike schemas, do exist in space and time and can be characterized as material or human (Sewell, 1992). Human resources are considered to be “manifestations and consequences of the enactment of cultural [or social] schemas” (p. 11) and include: “physical strength, dexterity, knowledge and emotional commitments that can be used to enhance or maintain power, including knowledge of the means of gaining, retaining, controlling, and propagating either human or nonhuman resources” (p. 9). Material resources, or material things, exist in a particular space and time. Whether or not material things are considered resources depends on “particular times, places, and quantities that such material objects can serve as resources” (p. 10). That is, resources are deemed valuable or desirable based on social schemas: “Nonhuman resources have a material existence that is not reducible to rules or schemas, but the activation of material things as resources, the determination of their value and social power, is dependent on the cultural schemas that inform their social use” (Sewell, 1992, p. 12). Nonhuman resources include “objects, animate or inanimate, naturally occurring or manufactured, that can be used to enhance or maintain power” (p. 9). Theoretically then, “schemas are the effects of resources, just as resources are the effects of schemas” (p. 13). “Schemas not empowered or regenerated by resources would eventually be abandoned and forgotten, just as resources without cultural

schemes to direct their use would eventually dissipate and decay” (p. 13). Thus, resources and schema “may be properly said to constitute structures only when they mutually imply and sustain each other over time” (p. 13).

The social schema and resources that underly various social structures in our society have the causal power to influence individual and collective human behavior, decision-making processes, and life objectives (Archer, 2003, Cardinale, 2018; Sewell, 1992). This power is not deterministic, however, and individual humans have the ability to mediate the power of social structure over themselves by exercising their agency (Archer, 2003; Cardinale, 2016; Sewell, 1992). Sewell (1992) theorizes that individuals exercise agency by becoming knowledgeable of social schema, generalizing said schema, and transposing that schema to new applications. How an individual exercises their agency will take various forms based on “a specific range of cultural schemas and resources available in a person’s particular social milieu” (p. 20). Although not explicit in Sewell’s (1992) work, Cardinale (2018) insists that the consideration of social positioning must be discussed in relationship to the power and influence of social structure on the individual because the schemas and resources available to individuals are largely determined by their social position in a given society.

Agency as protention and project

Emirbayer & Mische’s (1998) prolific conceptualization of agency has guided organizational scholars since its original publishing. They define agency as “a temporally embedded process of social engagement informed by the past (in its

habitual aspect), but also oriented toward the future (as a capacity to imagine alternative possibilities) and toward the present (as a capacity to contextualize past habits and future projects within the contingencies of the moment)” (p. 963). From this definition, it is apparent that agency is a consideration of an individual’s subjective past, present, and aspirational future contexts, experiences, and interpretations of the world around them and their place in it (Archer, 2003).

Building off of Emirbayer & Mische (1998), Cardinale’s (2018) recent theoretical development of the concept of agency proposes that agency has two distinct parts, project (most commonly associated with reflexivity) and protention (most commonly associated with the tendency to take some courses of action rather than others based on historical and current social positions and contexts) (Husserl, 1991), that work together to form means-ends frameworks for individual action (*see* Fig. 2). To take the approach proposed by Cardinale (2018), this paper adopts “a view of social structure emphasizing social positions” (p. 139; Archer, 2003). Neither project formation nor protention development can be studied without acknowledging the social “‘slots’ into which actors can be fitted . . . associated with expectations about what occupants of those positions should and should not do—that is, rights and responsibilities” (Cardinale, 2018, p. 139). Social positioning provides the groundwork for the development of individual project and protention aspects of agency and an individual’s experience of structures as personally orienting, enabling, or constraining (Cardinale, 2018). This is reproduced and illustrated below in Figure 2.

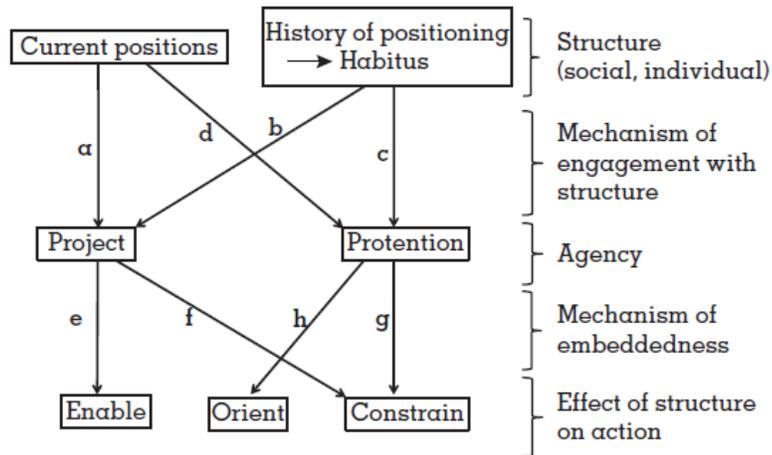


Figure 2: Cardinale's (2018) model of structure and agency. *Note* reprinted from Cardinale, I. (2018). Beyond constraining and enabling: Toward new microfoundations for institutional theory. *Academy of Management Review*, 43(1), 132-155.

Structural orientation and constraints: Human protention

Cardinale (2018) recently theorized that studying agency from the perspective of reflexivity has left significant portions of the agential process unaccounted for in the literature. Individuals appear to be drawn to some courses of action over others, and according to Cardinale (2018) this aspect of agency does not manifest itself explicitly at the level of reflexive analysis (Cardinale, 2018). Rather, to capture the entirety of the process of exercising agency through reflexivity, theorists have called for increased attention on the aspects of human action and decision making that cannot be accounted for by exclusively studying the project/reflexivity aspects of agency (Cardinale, 2018). Cardinale (2018) terms this pre-reflexive preference to some courses of action over others—which can include choosing one's profession—protention.

Protention is defined as “the pre-reflective engagement with structure underlying the fact that some courses of action appear as self-evident” (Cardinale, 2018, p. 136). That is, reflexivity is guided and influenced by an individual’s protention and projects cannot be formed or pursued without accounting for protention (Cardinale, 2018). An individual develops schemes through their social positioning and subjective experiences that guide them in unfolding and unfamiliar social situations and contexts (Cardinale, 2018; Emirbayer & Mische, 1998; Sewell, 1992). Based on the schemes that an individual develops, they express their protention in the fact that at any given time, no matter how many actions are possible, an individual will be drawn to some actions and never even consider others (Cardinale, 2018; Emirbayer & Mische, 1998). Protention accounts for the orienting and constraining facets of structure on individual behavior, action, and decision making (Cardinale, 2018). Social positioning and the attendant social structures encountered and experienced by an individual by virtue of their social position, orients individual actors to the available schema or resources at their disposal to pursue their *modus vivendi* (Archer, 2003; Cardinale, 2018). By extension of learning the schema and perceiving the resources surrounding them, individuals are constrained by the social structure of their social positioning where some options for personal growth, development, and pursuits are restricted or limited depending on where one’s social position falls within the greater social context (Cardinale, 2018).

Structural enablements and constraints: Human projects

Project is defined as, “the reflective engagement with structure whereby actors visualize means in view of ends” (Cardinale, 2018, p. 135). When an actor “acts by project when he evaluates different possibilities, such as available jobs” (p. 135). Project is concerned with future-oriented reflexive planning and preparation in relationship to the enabling and constraining facets of structural forces (Cardinale, 2018). Structural schema and resources constrain individual projects by presenting perceived insurmountable barriers to the individual. At the same time, structural schema and resources enable individuals by virtue of humans’ ability to generalize and transpose schema to novel situations and contexts (Sewell, 1992). Cardinale (2018) asserts that project is widely studied and accounted for in multiple theories including rational choice theory, theories of bounded rationality, and institutional logics (p. 135; *see also* Bévert & Suddaby, 2016; Friedland & Alford, 1991; Simon, 1977; Swidler, 1986; Thornton, et al., 2012; Thornton & Ocasio, 1999).

The concept of reflexivity has been widely adopted in sociology and organizational studies as a useful theoretical tool to analyze processes of the exercise of individual agency and its relationship to the social structures that emerge for an individual along their life path (Archer, 2003, 2007; Cardinale, 2018; Kahn, 2018; Mutch, 2017; Suddaby, et al., 2016). Reflexivity is defined as an individual’s awareness of the “the norms, values, beliefs and expectations of the social structures” (Suddaby, et al., 2016, p. 229) that subjectively emerge as enabling or constraining on the personal projects of the individual (Archer, 2003; Cardinale, 2018). When forming

projects, individual agents enact their power of agency through the process of reflexivity (Archer, 2003; 2007).

The construct of reflexivity acknowledges that “[h]umans have degrees of freedom in determining their own course of action” (Archer, 2003, p. 6-7). These degrees of freedom are individually experienced and perceived based on one’s historical and current contexts. Regardless of personal circumstance or context, however, reflexivity assumes that “[p]eople have vested interests—interest vested in position—to move an agent it has to be found subjectively good” (Archer, 2003, p. 5). That is, people will pursue projects they believe will achieve the ends they have subjectively deemed good or desirable, “agents have to diagnose their situations, they have to identify their own interests and they must design projects they deem appropriate to attaining their ends” (Archer, 2003, p. 9). The construct of reflexivity does not assume that humans are infallible at diagnosing their place in society, knowing their interests, or pursuing projects that will actually meet their ends (Archer, 2003; Emirbayer & Mische, 1998). This is unimportant because reflexivity is only interested in *how* individuals make decisions and *why* they act with respect to their personal concerns and the individually perceived constraints and enablements of the contexts they experience (Archer, 2003; 2007).

To study reflexivity, narratives about motivations or justifications to pursue a particular project help to illuminate the protention of the individual agents making those decisions (Archer, 2003; Cardinale, 2018; Kahn, 2018; Suddaby, et al., 2016). This study combines the structural concepts of Sewell (1992), the agential

explanations and conceptualizations of Cardinale (2018), and Archer’s (2003) concept of the universal human pursuit of a satisfying and sustainable *modus vivendi* (Figure 3).

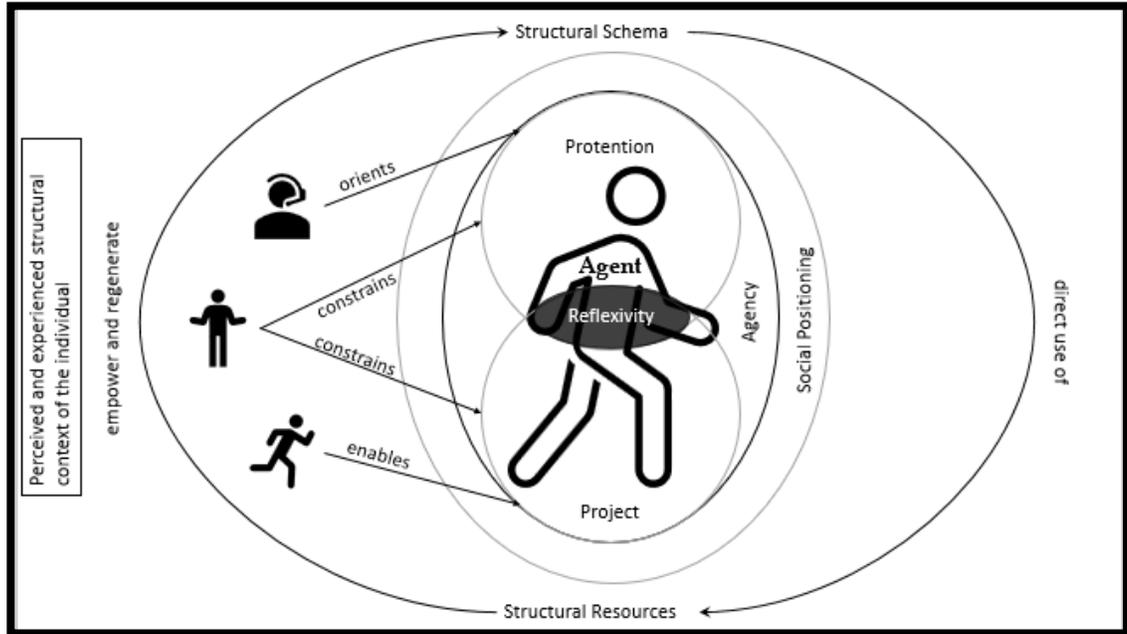


Figure 3: Model of the relationships between structure, agency, and reflexivity in the pursuit of a satisfying and sustainable *modus vivendi*

Archer’s modes of reflexivity: Project, Protention, and Social Structures

Modern management studies that use the construct of reflexivity to investigate the relationship between agency and structure have been heavily influenced by the work of Margaret Archer (*see e.g.*, Delbridge & Edwards, 2013; Kahn, 2018; Mutch, 2007; Suddaby, et al., 2016). Archer proposes that reflexivity is a “missing link” to answering two questions: (1) “how structural and cultural powers impinge on agents”; and (2) “how agents use their own personal powers to act ‘so rather than otherwise’ in

such situations” (Archer, 2003, p. 3). Archer suggests that the process of reflexivity, enacted through what she calls the internal conversation, of human beings has causal powers. The internal conversation “entails just such things as articulating to ourselves where we are placed, ascertaining where our interests lie, and adumbrating schemes of future action” to capture project (Archer, 2003, p. 9; Cardinale, 2018). To capture protention, the ‘text’ or narrative of the internal conversation is informed by the historical and current contexts of the individual (Archer, 2003; Cardinale, 2018). Sewell’s (1992) notion that agency is future oriented but rooted in each individual’s past—including socioeconomic position and subjective experiences with, and perceptions of, social structures—are constraints in and of themselves. That is, our past both constrains and orients our future (Cardinale, 2018).

Organizational theorists have adopted Archer’s (2003, 2007) typology of modes of reflexivity (Delbridge & Edwards, 2013; Kahn, 2018; Mutch, 2007). As of yet, these typologies have not been utilized as a framework to assess the reflexive process of how and why individuals initially decided to enter a profession, and how and why some professionals subsequently specialize in public service work. The purpose of this qualitative study is to begin to fill that gap. In order to understand the professions, organizational theorists must study individual professionals’ personal and professional narratives and motivations (Abbott, 2014; Kahn, 2018).

The study of individual professionals should account for both the objective contextual or structural constraints and enablements encountered by the individual practitioner throughout their life and as a member of a profession, and an in-depth

exploration of the professional as an agential human being. Analyzing the modes of reflexivity predominately employed through the narratives of motivation and justification by indigent criminal defense attorneys in the United States will provide insight into the types of people who enter into the field of indigent criminal defense, why they do so, and whether they find their professional project satisfying and sustainable. Current literature is in the dark about why trained professionals choose to dedicate themselves to the service of vulnerable others instead of economic returns. Without this critical information, current research is incapable of providing scientifically sound direction to professions, organizations, or universities regarding how to ensure the recruitment and retainment of future professionals to the cause of public service. This study seeks to shed light on this topic.

Archer's (2003) initial exploratory study in the role of agency and its relationship to social structure consisted of in-depth qualitative interviews with 20 participants meant to include a diverse cross-section of her local community. Interviews lasted multiple hours and multiple sessions. Archer attempted to elicit acts of reflexivity from her participants. That is, outward manifestations, explanations, narratives, or expressions of the private internal conversations participants normally only have with themselves. Archer (2003) emphasizes that studying reflexivity through the internal conversation requires that the participants be willing to open up to the interviewer about their inner-most thoughts, concerns, values, and plans. The fuller of a contextual picture of each individual participant that the researcher can build, the more beneficial and valuable the data will be that is gained from a study like the

present one. That is because the orienting, enabling, and constraining effects of social structures are subjectively experienced and perceived depending on their time and place of existence.

As previously mentioned, Archer's (2003; 2007) conceptualization of reflexivity hypothesizes that the ultimate goal of individuals is to establish a *modus vivendi* (mode of life) that is both "satisfying and sustainable" (Archer, 2007, p. 87). Modes of reflexivity are anchored in the individual's *modus vivendi* which drives their ultimate concerns, projects, and practices. Archer's (2003) study revealed three distinct modes of reflexivity that represented similarities and differences in the self-ascribed primary concerns, the building blocks of the *modus vivendi*, among her participants that will be used in this study: (1) communicative reflexivity; (2) autonomous reflexivity; and (3) meta-reflexivity. Although all of Archer's participants exhibited all three modes of reflexivity throughout their lives, each one predominately employed one over the others. The modes of reflexivity are personal and are the result of a combination of agential and structural causal mechanisms that are time and context specific to each individual (Archer, 2003). That is, modes of reflexivity emerge as a result of the subjective experiences of an individual with objective social structures and their agential formulation of their personal *modus vivendi* within a particular context in space and time. As noted above, Archer's (2003) study revealed a fourth mode of reflexivity called fractured reflexivity that will not be considered in this project. Fractured reflexives are, for all intents and purposes, non-reflexive, unable to engage in reflexivity, based on extreme experiences and personal hardships.

People who experience fractured reflexivity, according to Archer's (2003) study, are those that cannot in their present circumstances, adequately navigate social structures or form a satisfying or sustainable *modus vivendi*. Rather, their primary concern is basic human survival.

Each mode of reflexivity is ultimately characterized by the commonalities among participants in how they articulate and describe their ultimate individual concerns. According to her data, an individual that primarily employs communicative reflexivity use language and narratives that are ultimately centered around maintaining highly valued interpersonal relationships. Autonomous reflexivity is broadly characterized by narratives that express ultimate individual concern for one's work or profession. Meta-reflexives, generally, use language that indicates an ultimate concern with normativity, idealism, values, ethics, and morals. Archer (2003; 2007) argues that the primary mode of reflexivity employed by participants appeared to have causal power over the type of work individuals pursued over their lifetimes (See Table 1). However, as previously noted, this study's participants all share the same professional pursuit. Instead of attempting to categorize or label the individual agents as predominately exercising a particular mode of reflexivity over another in pursuit of a project, this study seeks to categorize the narratives of a group of attorneys according to Archer's (2003) modes of reflexivity. Here, I explore the justifications, motivations, and concerns of individuals that share a professional project and how they explain, describe, and narrate their professional experience as individuals and as a group.

Communicative Reflexivity Narratives

The first mode of reflexivity identified by Archer (2003; 2007) is the communicative reflexive. Communicative reflexives are “people who do indeed initiate internal dialogues in the privacy of their own minds, but that is not where they complete them. Instead, their pattern is one of ‘thought and talk’” (Archer, 2003, p. 167). Unlike other modes of reflexivity, communicative reflexives seek out the advice and counsel of others and typically do not trust themselves to make important decisions on their own. Their narratives imply that they do not trust their own deliberative process and seek out the opinions and inputs of external others: “Since the lone self, or rather the self alone, is not considered to be a trustworthy guide, then there is self-censorship; above all keep your feet on the ground and do not let the internal conversation take you into rarefied reaches where its fallibility would only be greater” (Archer, 2003, p. 168). Archer (2003) noted that when she interviewed communicative reflexives, they asked her questions on her thoughts and finished answers with open-ended questions.

Archer (2003; 2007) found that communicative reflexives were also most likely to have contextual continuity. That is, they have had little disruption in their personal contexts and experiences. For example, they are less likely to have experienced an unexpected or extreme socio-economic jolt, geographical relocation, or the disintegration of their family unit—through divorce or death, for instance. Because of their contextual continuity, they surround themselves by others that are similar. Communicative reflexives’ vernacular subordinates their own professional aspirations to serve their ultimate concern—friends, family, and interpersonal relationships. They

take on personal projects and practices to protect their valued personal relationships and protect their personal contextual continuity. Structural enablements and constraints are actively avoided by communicative reflexives in order to maintain their contextual continuity. Communicative reflexives often engage in an “anticipatory renunciation [of their personal or professional goals] which precluded enablements from coming into play and confirmed their own confinement to their original social placement” (Archer, 2007, p. 208). Thus, communicative reflexives are able to dovetail their concerns with structural constraints and enablements with relative ease. All the communicative reflexives in Archer’s (2007) study expressed contentment and satisfaction with their *modus vivendi* which emphasizes the value of family and friends paired with contextual continuity in relationships and personal circumstances. This produces a subjective “unavailability” (p. 208) of communicative reflexives toward novel or unfamiliar structural constraints or enablements. Communicative reflexivity is characterized by individuals describing when they choose to not step outside of their comfort zones professionally and philosophically and when they describe avoiding external challenges to their valued interpersonal relationships. Communicative reflexivity can be thought of as narratives or stories of continuity, permanency, and stability on an interpersonal level (Archer, 2003; 2007).

Autonomous Reflexives

Archer (2003) found that people who primarily employ the autonomous reflexive mode contextualize their greatest personal concerns around their work or careers. Unlike communicative reflexivity, autonomous reflexivity narratives are

characterized by assuredness, confidence, and the dismissal of the need to engage others in internal deliberations and personal decisions. Archer (2003) describes that when asking questions of people that primarily narrate in an autonomous manner, they answer quickly and decisively. They ascribe to a general attitude of “no one can know my own mind as well as I do myself” (Archer, 2003, p. 7). The autonomous reflexivity is characterized by the agent expressing an inherent trust in herself to make sound decisions and assessments. Even if an individual perceives that they were wrong in hindsight, narratives of autonomous reflexivity are not concerned with the notion that including others in the internal conversation or deliberation would have yielded better results. “Autonomous reflexives acknowledge their personal limitations as readily as does anyone, but they define them in a distinctively technical manner” (Archer, 2003, p. 210) and they will seek out technical or expert help from others where they perceive their own technical abilities or knowledge fall short. But because they trust their own judgments and assessments Archer (2003) muses, “[w]hile these subjects will readily call in the builder, I suspect that they would share a suspicious reluctance to call upon the psychotherapist” (p. 210).

Unlike communicative reflexivity that is characterized by the continuity of personal contexts, and virulent protection of that interpersonal relationship continuity, autonomous reflexivity is characterized by stories of contextual discontinuity and an intention to disrupt the patterns or practices of the agent’s original background (Archer, 2003; 2007). If communicative reflexives are the agents of continuity, then autonomous reflexives are the agents of change and disruption. Archer (2003) found

that autonomous reflexives seek out personal projects to transform the status-quo in an effort to distance themselves from their unchosen social placement or circumstances. “Contextual discontinuity is the most important condition for the emergence of inner dialogue conducted alone and capable of devising courses of action” (Archer, 2007, p. 194). By virtue of a lack of contextual continuity, individuals who predominately employ autonomous reflexivity are exposed to new experiences, challenges, and contexts. All members of this subgroup “shown a readiness (if not a desire) to move away from their initial context of involuntary placement” (Archer, 2003, p. 212). Thus, they seek out personal projects that require maneuvering, thinking, or acting in divergence to their initial context; and therefore, they become self-reliant and self-directed thinkers because unlike the communicative reflexives, they seek to remove themselves from the patterns or practices from whence they came.

Like communicative reflexives, autonomous reflexives find relative ease in dovetailing their concerns into personal projects. The narratives employed by both of these groups provides a picture of long-term satisfaction (Archer, 2003). However, unlike communicative reflexives who achieve dovetailing by avoiding structural constraints and enablements to avoid discontinuity, autonomous reflexives see constraints and enablements as sources of power or opportunity to be confronted head-on (Archer, 2003). “For this subgroup, ‘work’ was their priority (as a matter of fact, rather than necessity). Therefore[,] inter-personal relations have to be subordinated to this ultimate concern” (Archer, 2003, p. 213). Narratives of autonomous reflexivity subordinate personal relationships (or do not mention them at all) in order to pursue

the ultimate concern of work. Other concerns are acknowledged and knowingly subordinated when employing autonomous reflexivity narratives including, health, personal interests, or giving “short shrift” (Archer, 2003, p. 213) to anything that the agent does not recognize as their responsibility. This is because autonomous reflexivity is characterized by notions of individualism and personal independence: “[w]hat this means quintessentially is that they are not dependent on others and this is reflected in the form of *modus vivendi* which they find satisfying and sustainable” (Archer, 2003, p. 213). Unlike the communicative reflexives, autonomous reflexives actively engage with themselves to redefine what ‘satisfying and sustainable’ means to them individually and within each context they find themselves in instead of considering the perceived needs of others or relationships above their own aspirations. In that sense, they will embark on new challenges or seek out novel approaches to best square who they are with how they see themselves in relationship to society across different points of time of their lives. They will adjust and reroute themselves as they experience discontinuity or dissatisfaction with their ultimate concern—work (Archer, 2003).

Those that primarily employ autonomous reflexivity narratives “are philosophical individualists in their profound belief that they, and everyone else, must take personal responsibility for themselves” (Archer, 2003, p. 214). Archer (2003) contends that the “appropriate epigraph for [autonomous reflexives] would be: ‘I am the master of my fate: I am the captain of my soul’” (p. 214). Taking this

philosophical stance is coupled with intense self-monitoring of one's thoughts, actions, and accepting the personal consequences of both.

Meta-Reflexives

The final mode of reflexivity examined by Archer (2003; 2007) is meta-reflexivity. Interestingly, all of the meta-reflexives in Archer's study had completed a college education, plus additional post graduate training or post graduate education. Communicative and autonomous reflexives were not distinct enough from each other in terms of personal background, levels of education, training, or general career trajectory to attribute differences in their modes of reflexivity to "social-class origins, elaborated language code, or educational level" (Archer, 2003, p. 211). And individuals with similar credentials—postgraduate degrees or training—are represented in the autonomous reflexive group of Archer's (2003) sample, but not the communicative reflexive group. However, the subgroup that most regularly utilized narratives of normativity, ethics, and values, i.e. the meta-reflexives, was made up entirely of working professionals, all of whom worked in "caring professions" (Archer, 2003, p. 256) at one time or another. Archer (2003) describes caring professions as those whose daily goal is to aid others, serve others, or educate others. She uses teachers, childcare workers, and clergy members as examples.

Meta-reflexivity "entails being reflexive about our own acts of reflexivity" (Archer, 2003, p. 255). Archer (2003) gives an example of such a process in the context of an individual telling another person what the date is:

The subject who proposes that 'the date is 8 May', might, upon hearing this (as object), then have her doubts—and an internal discussion can

ensue. Here, what she is bending back upon is her own utterance. In this case it is a proposition which she has heard herself enunciate. Yet, on hearing it, she doubts its own truth for some reason. The ensuing conversation is about the proposition and is an internal attempt to establish the correct date. However, she can also ask herself, ‘why was I a day out?’—and perhaps provide the answer, ‘you always get confused when there’s been a Bank Holiday’. This is an exercise of meta-reflexivity; the internal conversation is not about the proposition itself but about why she herself uttered it. (Archer, 2003, p. 255).

Archer (2003) describes this process as adding an “extra loop into the interior dialogue” (p. 255). Self-monitoring is an act of meta-reflexivity, but “[t]he type of meta-reflexivity examined here is different; it is ‘self-oriented’—the subject is internally conversing about herself and not about her external actions” (Archer, 2003, p. 256). Archer (2003) notes that the interviews with meta-reflexive individuals was different than the communicative reflexives and the autonomous reflexives. Those primarily employing meta-reflexive narratives, however, “tended to withdraw into self-interrogation. Withdrawal could sometimes be literal, for members of this subgroup alone availed themselves of the invitation to pause and think over their answers, if they wished” (Archer, 2003, p. 256). Archer (2003) explains that her interviews with this group were the longest of all because the individuals that primarily employ this type of reflexivity would begin to answer, stop themselves, note how interesting the question was, and seem genuinely uncomfortable at times. They spoke in “subordinate clauses . . . false starts, reformulations . . . interjections of clarifications and . . . general ruminative form” (Archer, 2003, p. 256).

Like the autonomous reflexives, meta-reflexives in Archer’s (2003) study had experienced contextual discontinuity. Unlike the autonomous reflexives who are

contextually rooted in their pursuit of work, meta-reflexives are “contextually unsettled” (Archer, 2003, p. 257). Thus, their relationship to society is distinct from the autonomous reflexives. This is because meta-reflexives continuously question their context and usually find their context wanting. This is expressed through their “combined patterns of geographical (even inter-continental) mobility, job changes, career shifts, professional re-training, and the progressive diversification of their skills” (Archer, 2003, p. 257-258).

All of this makes sense because meta-reflexives are also idealists, and they carry their ideals into their professions. However, “[n]o existing social arrangements approximate their ideal, nor ultimately does any institution or organization to which they are vocationally drawn. This is what makes them social critics” (Archer, 2003, p. 258). Their critical narratives do not stop at social structures or institutions. Meta-reflexives also criticize themselves as people and criticize the life they lead. Ideals are the anchoring point for meta-reflexive narratives. The result of this mindset is that unlike autonomous and communicative reflexives, meta-reflexives have difficulty dovetailing their concerns with their personal projects. This can result in a meta-reflexive changing their *modus vivendi* repeatedly in search of propelling their most prescient concern—their ideals—into alignment with their personal projects. Their ultimate concern, living out their ideals, do not change, but *how* a meta reflexive goes about living their ideals is reformulated and tried in various contexts—most often to the disappointment of the meta-reflexive. Without the ability to commit themselves to long-term projects or find a context that allows them to live and work within their

ideals, meta-reflexives “had greater problems than any other group in defining a *modus vivendi* which was satisfying and sustainable over the long term” (Archer, 2003, p. 259).

When it comes to the meta-reflexive’s relationship with structural constraints and enablements, the meta-reflexive will evaluate constraints and enablements from a normative or idealist position. “‘Meta-reflexives’ are subversive because the courses of action that they set for themselves are immune to directional guidance from the social structure” (Archer, 2003, p. 289). Social structures, attendant with their constraints and enablements, puts the meta-reflexive in the position to reject incentives or incur personal costs to themselves in order to live out their ideal. This can include downward social mobility, pay cuts, and personal sacrifice. The meta-reflexive is deeply concerned with “underdog, the oppressed, and the globally deprived. This means they care about the present ‘victims’” (Archer, 2003, p. 258) of society and culture. The narratives of meta-reflexives are therefore concerned with others, morality, normativity, idealism, and issues of equality, justice, and emancipation.

CHAPTER III

DATA AND METHODS

This phenomenologically inspired grounded theory (Glaser & Strauss, 1967) qualitative study is guided by the critical realist perspective of structure and agency employed by Archer (2003). Data for grounded theory qualitative studies can come from a variety of sources, “The data collection procedures involve interviews and observations as well as such other sources as government documents, video tapes, newspapers, letters, and books—anything that may shed light on questions under study” (Corbin & Strauss, 1990, p. 5). “In this methodology, theory may be generated initially from the data, or, if existing (grounded) theories seem appropriate to the area of investigation, then these may be elaborated and modified as incoming data are meticulously played against them” (Strauss & Corbin, 1994, p. 273). The phenomenological approach to grounded theory is intended to explore the meaning and value of human experiences and make the implicit power of structure explicit (Sanders, 1982, p. 354). “It is phenomenological in that it investigates and illuminates worlds of emotional experience and the structures that organize them” (Stolorow, 2015, p. 123).

The critical realist perspective of structure and agency offers a way to avoid bifurcating the micro- and macro-structural constraints and enablements of social structure while maintaining the inherent agential powers and subjective contexts of individuals that leads them to pursue their professional and personal projects (Kahn, 2018; Suddaby, et al., 2016). Further, a critical realist perspective of structure and

agency can begin to answer the call to provide more holistic and diverse theoretical accounts professions and the professionals that inhabit them (Kahn, 2018; Seo & Creed, 2002). In the following sections, I will also address data sources, data collection procedures, methods of data analysis, and the role of the researcher.

Critical realist perspective of structure and agency

The critical realist perspective of agency and structure that makes it an appropriate perspective for this study lies in its assumption of the theoretical separation of human agency and social structures (Archer, 2003; Archer, et al., 1998; Danermark, et al., 2002). “Society consists of two separate phenomena, which are nevertheless related to each other: acting people and social structures” (Danermark, et al., 2002, p. 178). Social structures are the features of society that are relatively enduring (although never permanent) according to the critical realist perspective (Archer, 2003; Danermark, et al., 2002; Fletcher, 2017). The critical realist perspective of social structures is that structures “often precede and succeed our individual lives,” but human agency must “reproduce or transform [social structures] over time” (Fletcher, 2017, p. 186). Agents, therefore, have the power (perhaps even the inherent social duty) to shape the structures around them. Simultaneously, structures do not have ultimate deterministic control over human behavior as has been insinuated in past institutional theory literature (Seo & Creed, 2002). That is, human agency exists separately from social structures. Human agency and resulting action can change, maintain, or create social structures, but social structures do not determine human agency or action. Rather, depending on the context, social structures orient individuals

and have the potential to enable or constrain individual action, decisions, or thought processes (Cardinale, 2018), but social structures can never determine what an individual thinks or does—that is the role of the individual who exercises their personal agency (Archer, 2003; Cardinale, 2018; Sewell, 1992).

The purpose of this study is to understand and explore the subjective experiences of social structure from the perspective of individual agents that share a common professional project. Underlying this study is a shared assumption with Archer (2003) that all individuals have personal concerns, develop projects to address those concerns (including choosing a career path), and develop practices to maintain those projects that do further or address those concerns. All of this effort is in pursuit of a satisfying and sustainable mode of life or *modus vivendi* (See Figure 1).

By addressing the concerns and practices that the individuals have adopted with a homogenous project in mind, allows me to use Archer's (2003) characteristic descriptions and findings to categorize the modes of reflexivity most consistently and often exercised by each participant in my study through their motivation narratives (Wright Mills, 1940). These assumptions, combined with the theorizing of Sewell (1992) and Cardinale (2018) led me to develop the visual model of my interpretation of the relationship between structure, agency, and reflexivity that will serve as the model for the analysis of each participants' experiences and perceptions as individuals awash in a sea of structure and subjective experiences (See Figure 3). The power, influence, or importance of the social structures that these individuals have

encountered and experienced is the focus of this dissertation. Therefore, an inductive research design specifically aimed at capturing the perceptions or experiences of social structure from the point of view of the individual agents that have experienced these structures is appropriate for this study (Archer, 2003; Creswell, 1998).

Data Collection and Analysis Procedures

This study intends to begin to answer the calls in the study of professions and professional work to include more agential perspectives of individual professionals in relationship to social structures (Kahn, 2018; Seo & Creed, 2002). Thus, a qualitative approach is appropriate for this context (Strauss & Corbin, 1998; Suddaby, et al., 2016). My data was gathered by conducting 11 semi-structured interviews (Archer, 2003; Qu & Dumay, 2001) and analyzing 42 professional autobiographical interviews of indigent criminal defense attorneys from a publicly available source.

Interviews include the attorneys' personal demographic and social positioning contexts, individual concerns, and perspective on the satisfaction and sustainability of a career in the practice of indigent criminal defense. Additionally, 42 publicly available professional autobiographical interviews amongst and between indigent criminal defense attorneys where they answer, "Why did you become a public defender?" were gathered and analyzed for this study.

Data collection and sampling

The intensive interview method used in this study enables the researcher to "not survey the lives of respondents—but mine them" (Woodside & Wilson, 1995, p.

38; McCracken, 1988). The goal of the intensive interviews is to create a biography of participants akin to the institutional biography utilized by Suddaby, et al. (2016) in their study of the reflexivity of professionals in the communications industries (*see also* Lawrence, et al., 2011). The biographies of the participants in this study diverges somewhat from the institutional biography employed in institutional work studies, however, in that the data sought in this study is broader than that sought in the institutional biography: “the exploration of specific individuals in relation to the institutions that structured their lives and that they worked to create, maintain, or disrupt” (Lawrence, et al., 2011, p. 4). Rather, this study seeks to explore all structural influences and experiences of the individual agents in this study that led them to a shared career path and shares the sentiment from Suddaby, et al. (2016) that “a potentially important but unexplored variable, thus, is an individual’s institutional biography or *history* as a key determinant of reflexivity” (p. 243). This study emphasizes the entire personal history of each interview participant by engaging in intensive semi-structured interviews, to the extent possible. In order to do so, I utilized my personal professional network for participants in the initial phase of interviews in an attempt to capture more intimate and reflexive details of each participant’s experiences that may otherwise be unavailable to a researcher that the participants do not know, have experiences with personally, or trust (Archer, 2003).

To protect the identities of the 11 interview participants, all have been given a pseudonym based on the heroes of Marvel’s Avengers. A brief non-identifying description of each interview participant is outlined below (Table 2).

Table 2: Demographics and pseudonyms of interview participants

Pseudonym	Years of practice/ ICD	Geography of practice	Current practice status
Black Widow	25	Colorado, Texas	Public defender
Thor	4	Florida	Former public defender, current civil plaintiff
Gamora	5.5	Florida	Former public defender, current civil defense
Captain America	33	Colorado	Public defender
Dr. Strange	10	California	Public defender
Vision	38	Texas	Former assigned counsel, current public defender
Captain Marvel	7.5	Florida	Former public defender, current government attorney
Hulk	7	Florida	Former public defender, current private CD**
Iron Man	28	Texas	Former assigned counsel, current public defender
Scarlet Witch	25	Texas	Public defender, former assigned counsel
Rocket	3	Texas	Managed assigned counsel

*Indigent criminal defense (ICD)

**Criminal defense (CD)

In addition to interviews, 42 professional autobiographical accounts of the personal motivations or reasons for entering the practice of indigent criminal defense are analyzed. Unlike the interviews conducted by me, these interviews were conducted by, and between, indigent criminal defense attorneys on a publicly available podcast titled, “Another Not Guilty”. The host of this show is a public defender in Los Angeles. The interviews included in this study were limited to those with current and

former public defenders or primarily indigent criminal defense lawyers. This allowed me to both triangulate the data gathered through interviews with a wider range of attorneys and also allowed insight into how they justify their choices to each other in juxtaposition to how they justify their professional choices to me in a research setting (Wright Mills, 1940). Below the available demographic information gathered for each podcast interviewee is described (Table 3).

Table 3: Demographics and information for publicly available professional autobiographies

Name	Years of ICD	Geography of practice	Current practice status
Ilona	8	California	Public defender
Matthew	3	California	Public defender
Carl	30	California	Public defender
Tim	13	Nebraska	Public defender
Patrick	unknown	California	Public defender
Gabe	15	Washington	Public defender
Tamara	18	California	Public defender
Stephanie	7	Texas	Public defender
Mike	9	Texas	Public defender
Sajid	13	California	Public defender
Cassie	14	Washington	Public defender
Chris	9	Connecticut	Assigned counsel
Shahan	3	California	Public defender
Kevin	5	Ohio	Public defender, former AC*
Christine	7	California	Public defender
Josh	unknown	North East	Public defender
Anya	unknown	California	Public defender
Craig	unknown	California	Public defender
Peter	unknown	California	Public defender
Sully	30	California	Public defender
Sasha	unknown	California	Public defender
Sam	1	California	Public defender
Noah	unknown	Indiana	Public defender
Amy	unknown	Indiana	Public defender

(Table 3, Continued)

Cam	2	California	Public defender
Jovan	unknown	California	Private CD**, former public defender
Jacqueline	unknown	unknown	Public defender
Jane	unknown	California	Public defender
Omid	unknown	California	Public defender
Evan	unknown	California	Public defender
Luca	13	California	Public defender
Mike	30	California	Public defender, former DA
Ruby	unknown	California	Public defender
Loren	unknown	California	Public defender
Jimmy	18	California	Public defender
Shayna	unknown	California	Public defender
Michael	9	unknown	Public defender
Jennifer	unknown	California	Indigent criminal appeals
Alyssa	11	unknown	Public defender
James	unknown	California	Public defender
Harold	unknown	California	Public defender
Colin	5	Washington	Public defender
Mark	17	East coast	Public defender
Benny	unknown	California	Public defender

*Appointed counsel (AC)

**Criminal defense (CD)

The participants in this study will be chosen based on purposive, theoretical, and snowball sampling methods. Purposive sampling is choosing a sample of participants who are best suited to answer the research questions (Creswell, 1994; Creswell, 1998). Because this study is concerned with the modes of reflexivity revealed through the autobiographical narratives of indigent criminal defense attorneys in their choice of professional specialization, all participants must have experience practicing indigent criminal defense to be included in this sample. Additionally, this study is concerned with the current structural context of the practice of indigent

criminal defense law in the United States. Thus, participants were required to have practiced indigent criminal defense in the past 10 years.

Theoretical sampling is when the researcher seeks out participants that seem to be well-positioned to expand or elaborate on theoretical issues that arise during the data collection process (Glaser & Strauss, 1967; Gioia, et al., 2013). Snowball sampling is when participants refer other participants to the researcher.

To meet the theoretical sampling requirements, all participants were required to meet the following basic guidelines to qualify to participate in this study: (1) all participants have specialized in full time indigent criminal defense practice for at least one year of their legal career; (2) the structure of the organization or practice arrangement for providing indigent criminal defense legal services should not be considered in order to explore a more diverse set of perspectives on the practice of indigent criminal defense law in the United States and whether those structural differences affect the satisfaction and sustainability of the practice of indigent criminal defense law; (3) a broad range of ages, geographic location, and genders should be represented in the sample.

Although the majority of qualitative research methods heavily emphasize the value of the symbolic researcher embedding themselves in the reality or contexts of the participants, due to current circumstances regarding the emergence of Covid-19, I am unable to engage in traditional field work or ethnographic activities. Thus, this study is limited by the medium of the interviews and context of the study being relegated to an online format. In order to ameliorate these deficiencies in method, I

have attended numerous continuing legal education events with the Texas Criminal Defense Lawyers Association. I have gathered archival resources and data from these experiences and opportunities to immerse myself in the criminal defense lawyer settings, when possible.

Data analysis

All data was initially coded and analyzed using Archer's (2003) conceptualization of the internal conversation as a proxy of modes of reflexivity that account for the social positioning, protention/pre-reflexive, and project/reflexive facets of agency (Cardinale, 2018). The second step of this analysis situated the categorized narratives in time to discover underlying themes in the subjective situated contexts of the attorneys in this sample (Wright Mills, 1940). Time for the purposes of this inductive study is divided into the most relevant times in the attorneys' lives that led them to the practice of indigent criminal defense. They are: (1) pre-law school personal experiences (or interest) with the justice system or civil rights ("pre-law school"); (2) during law school and experiences gained with the justice system firsthand; and (3) following law school where one encounters the justice system as an attorney, but that attorney had no intention of working within criminal law before or during law school ("post law school").

Initial coding: Narratives and modes of reflexivity

The narratives and verbiage used by the participants were initially categorized as communicative, autonomous, or meta-reflexive according to the parameters and theoretical underpinnings of each mode proposed by Archer (2003) (See Table 1).

However, unlike Archer's (2003) study, this study does not venture to characterize the individuals' primary modes of reflexivity, but rather, seeks to illuminate the character of the narratives these individuals employ when answering "Why did you become an indigent criminal defense attorney?" What concerns are addressed by this decision to pursue a career in criminal indigent defense, how and why that decision was made by each individual participant is the object of this study. Thus, the focus of this study is on the theoretical mechanisms, similarities, or differences in the professional motivation narratives that emerged amongst the indigent criminal defense attorneys in this study after accounting for the shared or divergent characteristics of their paths to indigent criminal defense.

Questions that I posed to interview participants intended to elicit data from them related to their social positioning were: "Tell me about where you grew up"; "Where did your parents work during your life", "What kind of neighborhood did you grow up in", and "What kind of primary schools did you attend"? To gain information about the protention of participants I asked them series of questions along the following lines: "What did you want to be when you were a child", "What did you think was possible/impossible for yourself as a child/teen/college student/now", "What kind of careers were you drawn to throughout your life and why", "What kind of standard of living did you aspire to have as a result of your career choice", "What have primarily been your sources of motivation for work"? I also inquired about their educational background and legal practice backgrounds.

To develop data related to Archer's (2003) modes of reflexivity, questions posed to each participant will use the characteristics described by Archer (2003) for each type of reflexive mode (See Table 1). For example, to gauge a participant's tendency toward communicative reflexivity, I inquired about the consistency or inconsistency of their geographical location throughout their lives. I also asked about their family ties and strength of their relationships with others and how much that has affected, or currently affects, their professional goals and how indigent criminal defense practice serves or does not serve those goals.

To assess a participant's tendency toward autonomous reflexivity I asked questions related to the value that the individual places on technical knowledge, market/financial/material returns for their work, and how they use their own inner voice as opposed to the input of others. Finally, to assess participants' meta-reflexive tendencies, I inquired about the individuals' overall satisfaction with their career path and professional experiences. Further, I inquired about how often the individual has changed jobs, careers, or geographical locations in their lifetime. Finally, I asked about how they value family, monetary gains, and philosophical questions of morality and ethics in their lives and careers (See Table 1).

In order to complete an analysis of agency and structure utilizing Archer's (2003) modes of reflexivity and the internal conversation, a full picture of each individual participant ideally is revealed through the data analysis process—to the extent this is possible (Archer, 2003). Archer (2003) assumes that when a person reflects on their position in relationship to the rest of society, she does so with all prior

experiences, current values, and future goals in mind (Archer, 2003). Each participant was asked to provide background demographic information that Archer (2003) theorizes is associated with the predominant exercise of different modes of reflexivity by individuals. The size of the sample of participants was judged according to Marshall's (1996) concept of theoretical saturation—or the point when new themes stop emerging that are not already represented in the data. Semi-structured interviews were loosely based on the prepared set of questions in Appendix C and the interview acknowledgement form can be found in Appendix D.

Situating motivation narratives in time

After the mode of reflexivity is identified through the narrative styles of the participants, I have organized these narratives in time relative to the career development of the individual narrator. Three prominent time periods in these individuals' lives emerged from the data as common time periods identified by these attorneys as significant in the development of their personal intentions to seek out their chosen practice area. That is, these time periods were identified by the participants as a period of development or challenges to their protention—when choosing one path over another seems natural to an individual (Archer, 2003; Cardinale, 2018). The path in question here, to the practice of indigent criminal defense. (Archer, 2003; Cardinale, 2018). The reason for this approach is because initial coding did not indicate that other aspects of social positioning, especially socioeconomic positioning of the individual, overall did not play a major role in determining who in this sample became an indigent criminal defense attorney. Except for two small groups: (1) a

group of individuals who had early negative or impactful experiences with the justice system by virtue of growing up in the same socioeconomic positions as their indigent clients, and (2) an even smaller group of individuals from more middle-class socioeconomic backgrounds that took an early interest in politics, government, and law that seemingly ignited their intention to practice criminal defense law.

What was shared across all of the narratives after initial coding, however, was that a personal, firsthand encounter with the justice system compelled them to pursue this practice area for at least for some portion of their legal career. When that encounter happened, how that encounter happened, and what part of the encounter was salient to each individual attorney, changed how they described their professional and personal motivations for practicing indigent criminal defense. Our initial coding suggested that the time and nature of the encounter with the justice system, changed the nature and characteristics of the individual narratives.

Researcher's Context

Since November 2012, I have been a licensed attorney in the State of Texas. I earned my law degree from Florida International University. Before attending law school, I earned my MBA from Texas Tech University and a BS in interdisciplinary studies from Berry College. During my legal career, I have primarily practiced in the areas of environmental torts and estate planning. I did not pursue a career or specialization in public service law or criminal law. Thus, I have no personal experience practicing in this area. However, I have attended several continuing legal

education programs in this area, and I have a number of friends and colleagues that did pursue a specialization in indigent criminal defense.

I, like the vast majority of law school graduates, have a significant student loan balance. This was one factor that deterred me from entering the public legal services sector. I expect, based on my experience, that this will be a recurring theme in the intensive data of this study. During law school, we were educated about the pay expectations for various professional specializations. Public defenders were notoriously under paid and under resourced in comparison with their States' Attorney counterparts. Additionally, through my experiences as a law student, I learned about the excessive caseloads of public defenders, the use and abuse of plea deals, and the lack of time to adequately prepare for most court appearances or trials. I want to dig deeper into why some lawyers choose this seemingly uphill path. Ultimately, this is because the path of indigent criminal defense lawyer was not a professional option that I ever considered for myself, but that I consider indispensable in the current structure of the American justice system.

As a novice social sciences scholar, it is important to me that my work is impactful theoretically and practically. As a member of the legal profession, it is important to me that we, as social scientists, better understand why individuals choose professions whose purpose is to protect people from their own government. In order to create a strong democracy, it is imperative that we understand individuals that work daily to preserve the constitutional rights of others while considering the objective

realities of the legal profession and the subjective goals, motivations, and concerns of individual indigent criminal defense attorneys.

CHAPTER IV

FINDINGS

Based on the professional autobiographical narratives of 55 indigent criminal defense attorneys, the most salient structure in the decision to pursue a career in the practice of indigent criminal defense is bearing witness to the realities of the American justice system firsthand. Indigent criminal defense attorneys come from all social contexts, socioeconomic backgrounds, and walks of life. The most common entry point into this practice area regardless of the primary mode of reflexivity or social positioning displayed in their professional autobiographies is witnessing how the system works (or does not work) firsthand. All three of Archer's (2003) modes of reflexivity were expressed by the attorneys in this study when explaining why they chose (and continue) their career path in indigent criminal defense: communicative, autonomous, and meta-reflexive. What was revealed through the initial narrative mode characterization analysis is that *when* the individual had this firsthand experience shaped the character of their motivation narratives and provided insight into how social positioning and protection can play a lesser or greater role in these individuals' decision to practice indigent criminal law.

The most commonly utilized mode of reflexivity identified through the autobiographical narrative data in this study was overwhelmingly meta-reflexive in nature and manifested itself through statements relating to justice, civil rights, fairness, equality, and advocacy for others. My findings for meta-reflexivity are in alignment with those of Archer (2003) where she found that all of the participants in her study

that she identified as primarily meta-reflexive were in caring professions. There is no doubt that indigent criminal defense is a caring profession according to Archer's (2003) parameters.

A prominent group of attorneys primarily employed vernacular most attributable to autonomous reflexivity (Archer, 2003). Three subgroups of narratives emerged from this data revealing that in general, autonomous narratives are employed by attorneys who either: (1) had early firsthand experience with the justice system (prior to law school) based largely on their original socioeconomic positioning; (2) took an early interest (usually during childhood) in topics, activities, or world events/leaders concerned with notions of justice, equality, or freedom that shaped their pursuit of a career in indigent criminal defense; or (3) are intentional trial technicians whose professional focus has largely been dedicated to the rush the individual gets from being in a court room daily and the pace of the life of a trial attorney. Extreme autonomous narratives were revealed where the attorney did not mention their clients at all when they described their reasons for practicing indigent criminal defense. Although this was very rare, it illustrates that within this profession there is room for all types of personalities, personal values, and motivations.

Finally, communicative reflexivity was revealed through the attorneys' narratives about the heavy reliance that they have on other attorneys in their same practice area. The findings for communicative reflexivity in this study diverged from Archer's (2003) findings. Instead of elevating or concentrating on the maintenance of interpersonal relationships from family connections or long-term life connections and

bonds, this group of professionals describes themselves as a family. They are a family of intersubjective—and often times traumatizing—experiences that, according to them, nobody else truly understands. This area of practice is considered ‘tribal’, and insiders rely heavily on each other. This is so prevalent that rarely do these attorneys mention their families or close interpersonal relationships outside of their professional ties (unless prompted in a formal interview setting).

The attorneys in this study overwhelmingly agree that the practice of indigent criminal defense is a highly satisfying career. Whether the practice is sustainable, however, appears to be heavily context specific, i.e., pay, workload, culture, management systems of an office and personal resource constraints or desires of the individual attorney. The specific contexts of the organizations or structure of these attorneys’ daily practice are not explored or discussed in detail here but should be considered in future research.

Opening arguments: Exposure and entry

One of the primary facets of reflexivity that has gone underexplored is the protention of individuals, or the pre-reflexive or unconscious interactions and reactions to particular structures that they encounter, and how social positioning can potentially affect an individual’s protention, and by extension, the life projects they pursue (Archer, 2003; Cardinale, 2018; Kahn, 2018). An individual’s protention guides the pre-reflexive agent, like a knee jerk reaction, and underlies every agentic action without the agent being aware of its power (Cardinale, 2018). What the vast majority of the attorneys in this study had in common was that the most salient

structure, the thing that moved them into this career path, is personal exposure—or bearing witness—to the justice system itself. Based on the data in this study, exposure to this particular social structure is what many of the participants attribute to creating their personal intentions to pursue a career in indigent criminal defense. Generally, depending on when and under what circumstances the attorney encounters the justice system firsthand can change the narrative of the individual's path to the professional project of indigent criminal defense.

It should be noted that every person in this sample, and every other practicing attorney, shares an assumed common social positioning that enables them to get to the point of earning a legal education. This group of professionals share general access, acumen, and opportunity resources. All of them had the ability to seek an undergraduate education and a law degree. With the proliferation of student loans for higher education, this sample suggests that attorneys from very diverse socioeconomic backgrounds are now afforded the opportunity to seek this path.

Social positioning and protention played a particularly salient role in these attorneys' experiences at two specific points in time for two different types of narratives: meta-reflexive and autonomous reflexive (Archer, 2003; Cardinale, 2018). First, protention was displayed in the knee-jerk or initial reactions that this group of attorneys described having about considering a career in criminal law. This seemed to indicate that their protention, or natural draw toward or away from criminal law, was strong. The relative strength of their protention, however, was overcome by the strength of the experience they had when they first encountered the criminal justice

system as an attorney or legal intern/clerk. Based on the data in this study, it appears that protection itself presented constraints on these individual attorneys and limited what they could imagine for themselves.

For this group of attorneys, they struggled to find their place in the legal profession either during or directly after law school. They described struggling to dovetail their most pressing concerns into a professional project. Once they were exposed to the legal system, most often through legal clinics, internships, or as a first job (sought out of desperation for any work), they describe feeling like they could not walk away. This narrative line is contrasted with those whose social positioning seemed to spurn autonomous narratives to fulfill a self-professed meta-reflexive purpose.

A prominent group of autonomous narrators, usually characterized by their use of logics and technical or material means-end chains (Archer, 2003) used their original social positioning (Cardinale, 2018) and personal experiences as a jumping off point to fulfill what they consider to be a greater social purpose—described in meta-reflexive terms—through their practice of indigent criminal defense. Their motivations and intentions are characterized by an autonomous narrative, however, their ends, goals, or reasons for pursuing this work are overwhelmingly meta-reflexive in character. This group of narratives is therefore characterized here as autonomous meta-reflexive. These attorneys expressed that they shared the socioeconomic backgrounds of many of their clients. They also grew up in crime ridden neighborhoods characterized by economic blight and decay. This group of lawyers were regularly harassed by police

or witnessed harassment by law enforcement or other legal actors prior to going to law school. In fact, these experiences seem to have created the intention and motivation in these individuals to seek out a career in criminal defense, specifically.

On the one hand, many participants in this study did not seek this career out intentionally. Rather, they “fell into it” indicating a difficulty dovetailing their personal concerns with their careers prior to, during, or post law school. This indicates a meta-reflexive narrative according to Archer’s (2003) metrics. On the other hand, a slightly smaller number of attorneys did intentionally seek out this profession within this sample. Regardless of the characteristic of their narratives, however, the most salient theme—or structure—cited in the determination of whether the attorneys in this study decided to practice indigent criminal defense are narratives concerned with when, where, and why they initially bore witness to the justice system itself, firsthand. The time when the individual was exposed, and how, appeared to change the pattern of narrative employed by the individual attorney. Four patterns of practitioner paths to indigent criminal defense were revealed in the data. The four paths are presented below in the order they appear in the following section (Figure 4).

Figure 4: Narrative paths of indigent criminal defense attorneys across time

	Pre-Law School	Law School	Post Law School
(1) “Fell into it” during law school	<p>Meta-reflexive</p> <p>(Did not know what to do after college, decided to seek out a legal education)</p>	<p> Meta-reflexive</p> <p>(Internships, clerkships, legal clinics)</p>	<p>Autonomous</p> <p>(Intentionally seek out employment in public defense)</p>
(2) “Fell into it” after law school	<p>Meta-reflexive</p> <p>(Did not know path after college, decided to seek out a legal education)</p>	<p>Meta-reflexive</p> <p>(Did not know what to do during law school)</p>	<p> Meta-reflexive</p> <p>(Necessity to find a job, not an intended path)</p>
(3) Intentional public defenders	<p> Meta-reflexive</p> <p>(Early experience or interest in justice system, intentional public defenders)</p>	<p>Autonomous</p> <p>(Seek out clinics, internships, and experiences in public defense)</p>	<p>Autonomous</p> <p>(Intentionally seek out employment in public defense)</p>
(4) Intentional trial attorneys	<p>Meta-reflexive and Autonomous</p> <p>(Intent to attend law school post undergraduate, but unaware of what area of practice to pursue)</p>	<p>Autonomous</p> <p>(Decided to be a trial attorney)</p>	<p> Autonomous</p> <p>(Trial experience, personal practice satisfaction)</p>

Meta-reflexive entry: Falling into a calling

Out of the 55 attorneys represented in this sample, over half attested that they essentially “fell into” their practice specialty of indigent criminal defense. This represented a meta-reflexive narrative of their professional motivation because it indicates overwhelming difficulty with dovetailing their personal concerns with their professional projects (Archer, 2003). For the majority of the attorneys in this group, they experienced the justice system firsthand either during law school or after law school. The experience that these individuals gain is most often through external internships with judges, district attorney offices, public defender offices, or private criminal defense attorneys. Internally, in addition to core curriculum and electives in criminal law and procedure, many law schools offer in-house legal clinics that provide indigent legal services to the community where the law school is located. Following law school, the most commonly cited reason for pursuing indigent criminal defense in this group was out of necessity—to get a job or supplement a solo or small firm practice with appointment work.

Of the 11 interview participants, only three could not be characterized as “falling into” the career of indigent criminal defense. The eight attorneys that did fall into this practice in one way or another, six employed primarily meta-reflexive narratives of searching, trying to dovetail their education with their most pressing concerns, and eventually are able to find their place in indigent criminal defense. This theme in particular is laced with initial autonomous narratives about what they thought

their career paths would be and an abrupt shift in professional direction after encountering the justice system firsthand.

Black Widow, an attorney that has practiced indigent criminal defense since 1995 (with the exception of three years spent in public service for the federal government), intended on becoming a prosecutor. She was involved in a legal communication class in her undergraduate studies and set her sights on law school after a very positive mock trial experience. This remained her plan until her second year of law school. “So, my second year, one of my friends introduced me to a couple who's working in Norman, and he did criminal defense work, and his wife did civil work and I started working for them. And that's where I fell in love with criminal defense work.” Her job was in a private firm and turning away clients who needed help, but could not afford it, troubled her deeply.

In the end, the people that couldn't pay you know I had to turn away and I hated that. It just bothered me so much, the people who need it the most, we turned away. They couldn't pay and I was just like, oh, and so that's when I knew I wanted to be a public defender. I just didn't know where or really how.

Further, Dr. Strange admitted that he went into law school with no plan in mind. “No, I really didn't know . . . I really had no idea, and I didn't even know what I public defender was at that time.” When asked when his interest in public defense arose, he stated, “It was all law school . . . I mean, I didn't know where I wanted to go to be honest,” and then he had the opportunity to interview with both the local district attorney's office and the public defender's office for a summer internship during law school. He interviewed with the district attorney and it did not go well, “The guy was

an asshole. Like, this dude is a fucking asshole!” Then, he interviewed with the public defender and was convinced that was what he wanted to do for a living. The public defender that interviewed him told him this was what he was meant to do, “And she told me that, like ‘Uh, you know you’re a defense attorney and you get to represent people for free and you do jury trials for free.’ Which was like, well, that’s amazing because I’ve always wondered what people do when they can’t afford an attorney.” He describes her revealing tales of police brutality, falsification of evidence, and exposing government sanctioned corruption and how the public defender is the check on that power, “They were bad ass lawyers.” This convinced him, “I was like, this is amazing. I could do jury trials and expose the government for their corruption . . . 12 people from the jury get to sit there and I get to expose the government for their bullshit.” The best part for Dr. Strange? “I get paid for that. That’s what I want to do.”

Thor admitted that he had no idea what he was going to do after law school and sought out a law degree because of its advertised inherent professional flexibility, “I think I was at like the dentist’s office or something and I read some article about how a law degree was surprisingly, like the most versatile degree like you can own your own business, you can start your own business, you can be a lobbyist . . . You know, you’re not just yeah pigeonholed into practicing law. I was like oh sweet.” After two years of clerking for judges following law school, Thor sought out public work to continue his enrollment in the public service student loan forgiveness (PSLF) program. When he reached out to former classmates working in public defense, he was given a fast pass to indigent criminal defense and was interviewed and hired within a

week of applying. At the time, he was open to becoming a district attorney. The benefits of trial experience and PSLF could be acquired on either practice path. Now, however, he would never consider working for the other side, “I don’t see how state’s attorneys do it now.”

Although Thor has since left the practice of indigent criminal defense for personal financial reasons, he repeatedly emphasized how much he loved practicing indigent criminal defense and how nothing he has done since has measured up.

I think most public defenders have the ebbs and flows of any job. You know, you sometimes, you get to work and ‘I can't stand this, blah, blah, blah,’ ‘I got too many cases,’ . . . You know you have those moments where you just have a bad attitude. But yeah, but then there's other times, there's other times like I say, you go to trial with your best friends, and you went to trial, or you get a motion for, a motion to suppress granted and your client walks out the courtroom. You know that's, there's like no other feeling like that in the world, either.

He even admits that he would be open to returning to the public defender and taking a drastic pay cut if the opportunity presents itself in the future, “Well, and I’m at the point now like I said, my student loans are paid off like I would go back to the public defender's office in a heartbeat . . .”.

Kevin described how he went to law school but had no clue as to what he wanted to do. Then, during his first year of law school he interned with an innocence project. He described how he was shocked at how easily people were being given life sentences and he realized, “the people who need the most help are criminal defendants.” He adds, “I never wanted to be the rich and famous defense lawyer . . . [this is] probably what I will be doing for the rest of my life.” Further, Christine described that she came from a “very sheltered background” but wanted trial

experience. That led her to a volunteer position at the public defender's office in LA. She emphatically stated, "I was shocked at how people were treated" because she always believed that the system works, "then, you're exposed to the system—whoa!".

Just not criminal law

These attorneys are distinct from their more autonomous narrator counterparts who more often explained that their motivation for seeking out this practice specialty as intentional and part of the plan even before law school. Many who employed a meta-reflexive narrative to explain how and why they initially entered this practice area explicitly said that when they were deciding what practice area to specialize in, they were considering all options *except* criminal law. For example, Sully admitted that becoming a public defender was not what he planned, "Well, it's funny, it wasn't my first choice in life. I was a, sort of, a failed academic. I went to graduate school to get a PhD, and sort of lost momentum on that." And Luca said, "Actually, when I joined law school, I didn't want to do criminal. That was the last thing I thought I was going to end up doing." These attorneys sometimes spoke of reticence or fear keeping them from pursuing this area of practice—fear of the clients, visiting jail, and of seeing the results of heinous acts of violence. Once they started practicing and met the humans behind the charges, those fears and reservations disappeared.

Stephanie expressed that she had no idea what she was going to do after law school, "just not criminal law". That all changed for her, however, after joining a clinic for criminal appeals at her law school when she met a 24-year-old man accused of murder.

Then I met my client and all of those fears—it just completely changed so much of my world view. I immediately connected with this guy and felt completely different than I thought I would. I eventually became convinced he was wrongfully convicted and felt this call to be his champion. To advocate for someone who was against all odds in a terrible system. That interaction solidifies that this is what I wanted to do.

Gamora explained in her interview that “[I]t was never my plan to become a public defender. Like, that was never in my plans or on my radar at all. It terrifies me, the thought of being in court, like every day, terrifies me, which is great.” She explained that although she loves talking, she was frightened of public speaking. She noted, “So, the fact that I ended up being a public defender is actually hilarious.”

Captain Marvel expressed a much different fear for entering the practice of indigent criminal defense. This sentiment was shared by numerous attorneys in this sample. The narrative revolves around the fear of working with criminals. Capt.

Marvel stated:

I said, I do not want to be a prosecutor and I didn’t want to be a public defender because I could not live with ever working in an office that supports the death penalty. And I also just couldn’t stomach the concept of working with so many guilty people. I just didn’t want to do it. Then, I took my criminal law class, and it was the one I did the best. I was kind of shocked. I was like, are you kidding me?

Like Thor, with a student debt burden in the six figures and seeking out public service loan forgiveness, she was down to public defender or prosecutor as possible career paths. She was hired right out of law school at the public defender’s office. She explained that while in law school she went on a civil rights trip, “it’s all I ever wanted to do or think about” and the public defender allowed her to dovetail her concerns with

her professional project. She explained, “In Florida, everything is a crime. Stealing \$100 gets you jail time.”

Finally, Jane described how she grew up in an impoverished area of Los Angeles and knew what life was like for her clients. She is a child of immigrant parents and was raised to be “critical of power, money, and law and how it is used against the poor.” She described wanting to “be as far away from criminal law as possible” because she was afraid and felt she was “too sensitive” for the work. She tried practicing in workers’ rights “it wasn’t what I thought it was” and even did a stint in corporate work “just to get by. It was soul crushing.” Although she admits “I still was scared of it . . . I didn’t think I had what it took. But I just got to a point where I didn’t know what else to do. I thought I would fail, so I gave it everything I had. It was in my head for about eight years that this is what I am supposed to be doing.” Fast-forward to the present, she attests, “It’s all I want to think or talk about.”

Trial by fire

Another common path for the meta-reflexive narrative of indigent criminal defense attorneys happens after graduating law school when the individual is struggling to find employment—any employment. Through happenstance, networking, or plain luck, the attorneys in this group are baptized by fire and dropped directly into a system they are wholly unprepared for. After experiencing the practice firsthand, however, they embrace and pursue this practice for years, even decades.

As Tim described, “I graduated 2008 and the job market was horrible. I basically took the first job I could find.” Tim attributes his 30-year career in indigent

criminal defense to his father encouraging him to “stand up and buck the system.” Omid stated, “I never wanted to be a public defender.” But he explains, “I got a clerkship in this office because nobody else wanted to hire me. I got the job and fell in love with it.”

Vision described how he sought out indigent criminal defense, via a county appointment wheel, to supplement his income for his solo law practice. He was originally working at a small civil firm when he was thrust into solo practice following a fallout amongst his partners—six months after graduating from college. “When I was on my own, I decided I had to figure out some way to earn a living. And so, I got on the court appointed list in Lubbock County. To be honest with you, I had to go to another attorney and even asked him how I saw my client in jail. That’s kind of how I was. Then I got hooked on criminal defense.” He has practiced indigent criminal defense since 1983 and continues to do so today.

Autonomous entry: Intentional advocates

A slightly smaller group of attorneys in this study primarily engaged in autonomous reflexive narratives when describing their personal values and motivations for pursuing their professional practice specialty. Unlike those that primarily utilize meta-reflexive language, this small group of attorneys sought out this experience intentionally and were able to dovetail their most pressing personal concerns with this professional project with relative ease and confidence. Surprisingly, within this set of autonomous narratives there is a philosophical split among the

individuals in this group and how they use autonomous narratives to describe their professional motivations and justifications.

Most often, this group of attorneys forms an intent to practice indigent criminal defense law at two different points in time. They either form their intention: (1) very early in life based on a personal experience or interest, or (2) because they have a specific professional goal in mind—to be a trial attorney. The first scenario most often occurs during one's youth and prior to law school and formal legal training and is a result of sharing the same past socioeconomic status of their current clients or an early interest in politics and the justice system.

The second scenario occurs most often during law school when one experiences trial advocacy or other adversarial scenarios or simulations, or shortly after law school when the attorney has entered a different area of practice that she finds to be, frankly, boring. Most often, this group of attorneys express that they had a desire to become trial attorneys. If they explored other areas of practice, just like the meta-reflexives described above, they found them wanting.

When a young lawyer wants to acquire massive amounts of trial experience, it is well known in the field that the two best options to achieve that goal is to work at either the district/state's attorney's office or a public defender office. The attorneys in this subgroup have a personal desire to be a trial attorney, to be in court, to pick juries, and to argue. The thrill of the daily fight is what beckons them to the practice and keeps them practicing long term. The personal desire to continue doing exciting, fast paced, and highly adversarial trial work far outweighs any other structure or personal

payoff for this group of attorneys. Unlike the meta-reflexive narratives previously discussed, the narratives of this group of attorneys focuses very little attention or narrative energy on the needs of their individual clients or the macro socioeconomic concerns shared by their peers.

Autonomous meta-reflexive motivations: Police and poverty

One group of attorneys primarily utilized autonomous language to describe the means and motivations to pursue the practice of indigent criminal defense. What made these narratives so unique was that the intended ends of the individual overwhelmingly take on meta-reflexive qualities, not autonomous technical qualities. Additionally, all data for these narratives was gathered through the publicly available source. No interview participants described their upbringing as bearing any meaningful resemblance to that of their clients.

The individuals represented in this study that employed this style of narrating to describe their career motivations often attested to having had early and impactful negative experiences with law enforcement and/or the justice system. This group also consists of attorneys who took an early interest in politics, civil rights, or the justice system. These narratives are closely coupled with meta-reflexive narratives. That is, their meta-reflexive narratives serve as a basis of justification for their autonomous narratives and actions. What makes them more autonomous than meta-reflexive, however, is the motivational and action language employed by these attorneys. What makes them different from the other set of autonomous motivation narratives represented in this study is the dovetailing of meta-reflexive concerns with individual

action rather than a focus on the individual practitioner and the personal and professional fulfillment they enjoy from their work.

This group of autonomous narrators generally discussed personal experiences with the justice system that primarily occurred when these individuals were young. Based on these narratives, it appears these experiences or interests were a jumping off point for their meta-reflexive reasons for autonomous and intentional professional pursuits. ‘Young’ is meant to denote college age or younger for this sample. Most often these encounters were with police officers and were negative experiences that resulted in feelings of hurt, distrust, or betrayal. These encounters were enough to move this group of individuals to act and seek out a profession that put a check on those that made their lives (and the lives of their families and friends) more difficult in the past. These are the criminal defense attorneys that relish in making the jobs of cops, prosecutors, and the government more difficult. Protection and social positioning (Cardinale, 2018) in this scenario appears to play a larger role than in any other path to indigent criminal defense represented by the available data in this study. The emphasis on this social positioning is most often associated with the socioeconomic position of the attorney as a youth.

Matthew told a story of early personal tragedy and police abuse. In high school, his best friend passed away. Following the funeral service, he drove a friend home and was intending to return to the wake. As he was leaving the trailer park where his friend lived, a police officer pulled him over for an expired tag. The police officer asked him why his eyes were so red, “I’m coming from a funeral and I’ve been

crying a lot today.” The cop responded, “Is that right? Get out of the car.” He was asked to get out of the car in “a dumping rainstorm.” The officer “held me at gunpoint face down on the pavement in the pouring rain and I’m like 16 or 17 or something like that.” His car was searched, and the officer found numerous sandwich bags and asked, “What is this?” Matthew responded, “A sandwich bag.” “What was in it?” the cop asked, “Sandwiches!” replied Matthew. He was held for almost two hours, “Everyone was worried that I had done something, or something had happened to me.”

As Matthew put it, “That experience did not endear me to police. That was a moment of really intense betrayal.” He described that he “saw cops in a different way” and “they fucked with me in a really bad moment.” When he was considering what to do for a career, he knew “After that, I never got away from that desire to fuck up that system.”

I walked away from that. I’m a white dude. There is a reality where I don’t walk away from that if I was born a different person. That viscerality [*sic*], like it sticks with me. The public defender was the only choice. I’m not going to represent people. I’m not going to fight over car accidents. You know what I mean? Now I have the privilege of going to work every day and I just professionally fuck up cops’ days.

Ruby described growing up in an impoverished neighborhood, “Let’s just put it this way, I grew up in an area that was overseen by the Rampart District with LAPD. So, I saw a lot of shit growing up . . . cops putting people in danger, cops planting evidence.” She noted, “I mean, I grew up with a lot of gang violence, but I knew the DA’s office does not have the discretion to do the right thing . . . As a defense attorney, I could put the cops in check and give people the defense that they rightfully deserve.” She said that she wanted to be a public defender when she entered law

school, “I knew as early as high school. Maybe I always knew because of where I grew up. I always knew that was where I was headed.”

When asked why he became a public defender, Noah explained, “Two reasons, I guess. One is I am from the same demographic or socioeconomic status as a lot of our clients. So, the idea of using a law degree to fight over money is like repulsive to me, and this is sort of what I want to be doing.” He went on to describe his personal experiences with police as a young driver, “But maybe more important, if I’m honest with myself, is when I was like a junior in high school, I had a like very shitty car because we couldn’t afford anything better than a shitty car.” For Noah, this car became a problem for him personally, “And in the one year I had that car I got stopped by the police a dozen times in the tiny town in Arkansas that I’m from. I think that I never got over that. It stuck with me.”

Jovan, a defense attorney for the last 15 years described growing up in Gary, Indiana, “It is today, presently, like the definition of urban decay. It’s kind of like what Detroit is like publicized as being. That’s what Gary really is.” He had many personal encounters with the police who harassed him, but he was “never beat up or shot by the police.” So, why did he become a public defender? “I wanted to fight back, and I thought this was my way of policing the police. I was going to fight back. And I was going to . . . fight against these corrupt police officers was my goal in becoming a criminal defense attorney and it’s played out to some extent.”

Evan described his own personal encounter with the justice system. “I had to drop out of college because, probably, I got a wrong diagnosis of bipolar disorder. I

did too many antidepressants and I had to drop out of school, and I was in a mental hospital for two weeks and then I didn't have a junior year." He was able to finish college with a "4.0 GPA." During law school, he worked at the County Counsel's office "in department 95, the mental health civil commitment court and that's where I see the public defenders for the first time. And I'm like, yeah, that's what I'm going to do. That's the role for me in this situation." After that, he did all of his internships with the public defender and has been a public defender ever since graduating law school. He noted that he enjoys Reese hearings, in particular, "where somebody is being forced to take medication against their will, but a judge has to override, basically, like their will. It has to find they are incapable of citing why they don't want to take the medication." From his own personal experience, he sees forced medication as a form of "chemical handcuffs, they're chemical restraints . . . public defender would just make sure that call was being made correctly and I really respect that."

Jimmy became a public defender for several reasons. He explained, "I grew up in a poor neighborhood. My family was on food stamps as a kid. It was blue collar as a kid." He recalled, "So, I saw a lot of racial profiling . . . I saw a lot of discrimination. I saw friends get caught up in the system and some family members. SO, it's something I've always wanted to do as a kid." At the age of 17, "I was charged with something I didn't do and accused of being a gang member. "There was a huge gang problem in my city and so officers wanted to tackle the gang problem. And what better way to be a hero than to arrest someone for a violent crime and a gang enhancement? So, as a juvenile, I went through the system and was tried as an adult." At the time he, "had

over a 4.0 GPA.” He was assigned a public defender until he was charged as an adult, “My family hired a private lawyer when I got sent to adult court. That lawyer did not do anything for me, whereas my PD did everything he could.” He went on, “At that point when I saw the comparison, just because you are poor, just because you are a minority, just because you don’t know lawyers, doesn’t mean you should not get the best representation possible because I felt fucked when my private lawyer took my family’s life savings and didn’t do anything where my PD did everything and I didn’t have to pay him a dime.” He concluded, “So, to make a long story short. I’ve always wanted to be a public defender since that day. That was 18 years ago.”

Jennifer grew up in Colorado Springs, a “very white conservative military town.” Right after beginning her legal education, a friend of hers was accused of murder. He “ended up killing someone in self-defense.” Although she was not there when the incident occurred, “I was with him minutes before.” She explained that by virtue of witnessing this case firsthand she experienced a “shocking baptism into the criminal defense experience from the perspective of the defendant.” Based on her upbringing she noted that she used to assume that police wanted the truth, “they weren’t interested in the story, they weren’t interested in my side of the story, or talking to people that knew him. They basically made a snap decision about what they thought happened the night of the incident and they just ran from there.” This trial took over her entire experience in law school, “My whole law school experience, I was flying back to Boston and was involved in two murder trials.” She pursued a local

public defender internship and a federal public defender internship while in law school.

I just basically got hooked because I felt like very few people are drawn to this and called to this and if you feel like if you are, you've got to pursue it because there is so much injustice out there. It's like, you scratch the surface, and you find there's so much more than you even realized.

Jennifer concluded that her experience puts her in a unique position for this work, "And I think I have a somewhat of a unique situation just because I have, I can put myself in the situation of being a friend and family of the defendant, And also a witness. And just knowing how the situation is very scary for everyone involved."

"My story is kind of unique" (Shayna, 1:9). Shayna attended law school and "always picked DA. My mother was a court reporter." After her first year of law school her mother passed away and three years later her father passed away. Then, her life changed, "My youngest brother started to get in a lot of trouble, and we ended up in juvenile court." At the time, her brother was assigned a public defender who was "so impressed with the work that I did, and I was studying for the bar at that time, she was like, 'You need to be a public defender, you would be great at this', and I was like, 'okay!'" This experience set her on a journey of indigent criminal defense, "I wanted to tell people's stories the way I told my brother's story." She explained, "I'm a believer, I'm a Christian, and I think this is what Jesus would do. He would be an advocate and would give his life for others. And so, it is my way of giving back and standing in the gap for those in need."

Even for attorneys that did not share a common socioeconomic background as their clients, a brush with the justice system before attending law school still had an

impact on individuals. For example, Cam recalled, “I was 21, I was kind of a golden boy. I was a senior at UCLA, and I got arrested. I got a DUI.” He recalled, “it was the worst thing that ever happened to me.” He took a plea deal and when asked if he went to trial, he said, “I didn’t know how that game worked. I wish I had me as an attorney back in the day. I took the deal. I was part of the assembly line.”

Autonomous meta-reflexive motivations: Early interests and intentions

An even smaller group within this narrative path developed an early personal interest in the justice system or politics. These individuals do not claim to come from the same socioeconomic backgrounds of their clients or speak about traumatic or negative personal experiences with the justice system. These individuals had an early (and sometimes intense) interest in politics, civil rights, current world events, and other normative narratives and ideals. They describe their personal interests and certain world or local events, people, or educational experiences that propelled them into their current professional practice area. For example, some of the events and people that individuals in this group said influenced their decision to pursue indigent criminal defense included: mock trial, watching Kent State and the Vietnam War in real-time, the Chicago Seven trial, Malcolm X, and a family member that was an attorney giving them access to discussions and reading materials about the law.

Captain America and his family visited some relatives in Colorado when he was a child. According to his mother, “I announced for [my mother] that I was going to be a lawyer, I was going to represent poor people, and I was going to move to Colorado all those things supposedly when I was 10. I do not have independent

recollection of that, but she insists that's what occurred. So that was the first time anyone ever suggested, I was going to go law school . . . There weren't any lawyers in my family." He explained that much of his passion and desire to pursue this career came from several world or national historical events.

I would say three really significant things that cemented that the anti-government position that I ended up taking into my career. First, unlike today, I grew up watching the Vietnam War on TV. It doesn't happen anymore, which is unfortunate because people don't know what it was like. I mean I was a kid. I was in my teens but I'm still watching Vietnam. Second . . . The Chicago Seven trial in the '68 Democratic National Convention. Huge impact on me, I would have been 12 going on 13 then but my parents were clearly in the side of the judge and mayor Daley . . . Then, about two hours from my house, in 1970 Kent state happened. And the governor of Ohio, Governor Rhodes, turned the National Guard on some peaceful protesters over Vietnam war and I was astounded that college students were killed by the National Guard, no one was ever prosecuted for that. And out of that came my . . . love for Crosby Stills, Nash, and Young as a band, also. Well before your era, but two songs they played, they wrote a song called 'Chicago' which was about the Chicago Seven trial and then 'Ohio' which was about Kent state, and so they are, continue to be my favorite.

He described his parents' reaction to his passions and intentions, "those things all happen . . . during my childhood. And then I went, my parents would say, a little bit off the deep end. I would say I just realized myself to be on the left side of the spectrum where I should have been all along."

Chris explained that the reason he initially became interested in the law was because his father is an attorney, "I was exposed at a young age. I always knew about court and what attorneys do." He also recalled the influence of his early personal interests on his decision to seek out his current career.

In high school, I was really into government and civic activities. I did all of debate, mock trial, and model congress. Whatever we had in

school. And I was just interested in the legal process and politics too at the time. And how we have laws and rules we have to follow, but it is not just the people that have to follow the rules, it's also the government that has to follow the rules, the police have to follow the rules. And while the police and the state enforce laws, who enforces the rules against them? That's us. That's people but that's also lawyers that represent the people . . . We have to do it. Somebody has to do it.

He credits his parents and his schooling for his tendency to “question authority. Just ask why a lot . . . and do what's right. Just because something is the law, does not mean it is right.”

James described his early interest in politics and social justice, “I had always been active with Amnesty International when I was younger. I remember, one summer I was sitting around, and it was before I could even work and said to myself, ‘what are you doing with your life?’. And here I am like 11-years old and you're just watching like another show on TV or something.” He joined Greenpeace and the ASPCA “and I'm like writing all these letters. And I remember my parents being like, ‘You got a letter from the Whitehouse today,’ or ‘You got a letter from the Prime Minister of Japan.’ Like, what's going on?” He explained that when it came to issues he cared about, he could make a change, “I realized I had a voice and was not afraid of expressing myself or making a fool out of myself.” He went into law school to become a public defender, “I knew that as soon as I got into law school . . . the only thing I wanted to do was be a public defender. And not just a criminal defense attorney. I wanted to really deal with people who otherwise would not have really had a voice in the system.” He concluded, “At the end of the day, you know, you have to circle back to why you started the job in the first place.”

Sajid “grew up idolizing Malcolm X”. He described how his love for Malcolm X shaped his career path and personal motivations and values.

He looked and sounded like what a lawyer should look and sound like. He wasn't a lawyer himself, he wanted to be . . . In terms of his charisma, his brashness, his willingness to and courage to speak truth to power to stand up for the marginalized and the dehumanized people in our country. So, I grew up wanting to be Malcolm X and someone to stand up for the disadvantaged and overlooked in their communities.

Sajid further explained that he was raised in a Muslim family that practiced “a very social justice-oriented faith.” He describes his daily experience as, “clawing and fighting against our system of mass incarceration. I want to revolutionize how we treat people in our communities and not be okay with how we cage people of color.”

Intentional trial technicians

An even smaller group of attorneys utilized very specific and personal career reasons for entering the practice of indigent criminal defense. These attorneys described their journeys as extremely intentional and in very autonomous language. Notably, within this group of narrators, the most extreme autonomous narratives mention notions of empathy, positions of clients, and equality within the system the least compared with all of the other narratives in this study. For example, when asked why he became a public defender, Carl a 30-year veteran of the profession responded, “Everyone else gives high-falutin’ answers. When I was in high school, I didn’t like the pigs coming out to harass us while we were drinking.”

Iron Man described the feeling of freedom that comes from the practice of extremely high-level indigent criminal defense, death penalty work in particular. “It's

very liberating. Capital work is completely liberating . . . when they're trying to kill your client, it's not about money anymore. And so, it is . . . in my view, it's the freest practice of law, there is.” He notes that even threats from judges lose their power, “Because what are you going to do me? You want to kill my client and you're going to try to scare me with contempt? I really, I really enjoyed that being in that position.” He entered the practice when a judge assigned him his first indigent criminal defense case after he expressed disappointment following a civil suit settlement. He wanted to go to trial, “The partners at that firm were not thrilled, but it was almost always misdemeanor cases.” From there, he took on more cases until he was assigned to a triple homicide when the judge called, “with the offer you can’t refuse.” It was his first capital case. Almost 20 years later, he said, “I love walking into the courtroom and feeling the disdain of the public. I relish it to this day.”

Sometimes, however, the high wears off and an attorney seeks other opportunities. For example, Jovan is a former public defender who now owns a private criminal defense firm. When asked why he left the public defender, he answered, “It was always my ultimate goal to work for myself. I had gotten to a stage where I had done everything.” The part of indigent criminal defense practice that he appreciated the most was that he saw it as “the pure practice of law . . . You get cases, work those cases, and nobody is second guessing you . . . it’s the pure practice of criminal defense.”

Hulk repeated a similar narrative. He recounted feeling like he had done everything at the public defender, including capital cases, and it was time for a new

position in private criminal defense. When asked why he left the public defender, Hulk recalled that there was more than one reason he left. Ultimately, however, it was because he no longer felt challenged.

So, several reasons. The primary reason is that I realized that I wasn't that I wasn't going anywhere, and I've been there for seven years. I got my first not guilty on first degree murder case three years into it. 30 years old. I was working on a death penalty case at 34, where else is there for me to go? That was primarily what it was. Money was a thing, too.

Private practice and private disappointment

Attorneys who start in other areas of practice, or venture into other areas of practice later, overwhelmingly agree that other areas of practice tend to leave something to be desired. For example, Sully an attorney who has practiced as a public defender for over 30 years started his career as a union labor lawyer before joining the public defender. He stated, “It was not interesting, but it was noble.” In his new job as a plaintiff’s attorney, Thor explained, “I haven't you know, haven't experienced that [thrill of trial] in my current job. My current job, the work, like I said it's, it sucks, it's boring . . . opposing counsels are such ass holes.” And Gamora, since leaving the practice of indigent defense and moving into the practice of civil defense, reflected:

I wanted, I just wanted to do something where I feel like I'm helping people because it makes me happier when I know that I'm doing that, like, part of the reason I'm so—not unhappy with my job—but not as fulfilled is because . . . what we're fighting over, we're fighting over money because of a car accident because these bills are all jacked up. I don't care. I don't care.

She noted, “people are much more uncivil in civil than they were in criminal.”

Captain America left indigent criminal defense and worked in private practice for seven years “for a woman.” He recounted that in private practice, “I made a lot more money and [had] more free time. My golf game was better. But I was bored.” He recalled that, “it’s hard to get a trial in private practice, even the criminal cases I did were people that were lily white. Not just skin color, but record.” At that point, while still in private practice, Captain American began taking on “at least one murder case a year, most of the time they were death penalty cases.” The partners at the firm he worked for were not thrilled, “Much to the chagrin of my partners, because I think we got paid 35 bucks an hour or something for death work.” When he was offered the chance to run a public defender’s office in another city, he rejoined the fulltime practice of indigent criminal defense. As an interesting side note, Captain America was even persuaded out of retirement to rejoin the field, “I was coaxed out of retirement to come run the [City’s] Public Defender’s Office just in time for Covid to hit.”

Presenting the evidence: Satisfaction and persistence narratives

Once an attorney has been introduced to the justice system personally and has decided to pursue the practice of indigent criminal defense, the majority utilize a primarily meta-reflexive narrative to describe why they stay in their jobs and at this work. These narratives are characterized as satisfaction narratives because they are narratives about why this job is worth doing and why these attorneys continue to practice. Fewer attorneys primarily engage in autonomous reflexive narratives to justify remaining in the practice of indigent defense, but they are represented in this

sample. Although the work is professedly difficult and mentally and emotionally taxing, as revealed through their narratives, this group of professionals find enablements within the system to continue their work. This is a characteristic identified for both meta-reflexivity and autonomous reflexivity by Archer (2003). The autonomous reflexive narrative frames structural constraints and enablements as sources of power, while the meta-reflexive narrative describes assessing structural constraints and enablements from a normative or idealist perspective. Neither autonomous nor meta-reflexive narratives describe avoiding the challenges embedded in the social structures that surround these professionals on a daily basis.

Interestingly, unlike the entry point into the profession, the motivations, and reasons for continuing to practice indigent criminal defense take on a more communicative reflexivity vernacular than at any other point in the attorneys' experience and justifications for pursuing this professional project. The words 'tribe' and 'family' is used to describe the importance of the interpersonal relationships that these attorneys share amongst themselves as a motivator to keep returning to a difficult job day in and day out.

Meta-reflexive, meta motivations

After gaining experience and practicing daily, many attorneys in this sample expressed feelings of obligation or duty to practice in meta-reflexive terms that extend to issues or problems in greater society like socioeconomics, race, and the misuse of power by actors in society embodying positions endowed to wield it, e.g., police, prosecutors, experts, judges, and legislatures. These macro social issues are what most

attorneys in this study point to as sources of motivation to continue to show up daily at their jobs.

Loren stated, “I wanted to do something meaningful . . . And I think that at the end of the day, the biggest boogeyman, the scariest thing to me is the government and the power they have, the power they so sort of freely wield without really thinking of the consequences.” Sully described that he aligns with “Marxian influenced class analysis values.”

I see our clients basically as victims of a class system. We represent essentially poor black and brown people. I see the DA’s office and state, in general, as part of the oppressive apparatus that is trying to push them down . . . To me it is a natural place for me to be representing people who I think are basically victims of an unequal class system.

Anya explained her reasons for joining the practice of indigent criminal defense.

I wanted to have a job that I can uphold the constitution that protects everybody . . . As cheesy as it sounds, it’s how I feel. I’ve never had a fondness for police. I didn’t want to be on the side that supports cops and sit next to them and buy their bullshit. Which, obviously, there’s a lot of that happening. And I just think it’s really important that the system is kept in check, and I think that’s what criminal defense attorneys do. They make sure that they hold people, the prosecution, and cops accountable for what they are alleging, and charging, and doing. And you’re protecting your client. I think that’s the coolest thing ever.

Further, Jacqueline reflected, “They [our clients] are regular people with families. And you think, ‘We live in America’, but the prison system is, it’s not a good place to be. It’s very archaic—we think we’ve done away with the dungeon, but it is still alive and well.”

Similarly, Tamara described that her reasons to continue her professional practice exceed the individual clients she encounters or her own daily experience.

Rather, it is about something larger than herself.

Our solution in society is not actually to help people, but to just punish them and cause them pain for doing things that people do because they are poor, or ignorant, or because live in darkness or pain, you know? . . . We have decided as a society that we are going to funnel mental illness and drug use through the criminal justice system, and it is the most expensive and least humane way to deal with that . . . the only place you get a full-scale psychological evaluation, apparently, is at the public defender's office when your attorney thinks it might be relevant to a defense. That's wrong . . .

The worst part about this is that it is manmade. I mean, if I was a doctor, I would be fighting the natural phenomenon of illness and injury . . . But this is manmade. We are spending a fortune to do this, and it is wrong! We don't have to inflict pain on people for making bad choices. You know, prosecution and incarceration are very expensive, and forgiveness and redemption are free.

Tamara concluded, "as long as I am practicing law, I am always going to be a public defender."

Mike explained explicitly why he continues to practice indigent criminal defense law. He was involved in the first federal jury trial in Texas after the start of the Covid-19 pandemic. He was defending a man who was accused of illegally possessing a firearm as a prior felon. "After we got the verdict, this case got written up in a couple of online places . . . and one of the reporters that wrote it up described it as, 'an otherwise unremarkable case'." He acknowledged that a gun charge can sound like a typical case, "Even though I understood what she meant by that word, it pissed me off."

To [the client] and everyone else like him it is not unremarkable. It is his life, and [his] life matters. When we do not focus on individual cases, so many people don't, but public defenders do, we fall into these traps of, well it's a thousand cases here, it's a hundred cases over here, it's a statistic and not a person's life. To me, this is a remarkable case: look at all the subjects, big subjects, subjects just related to Mr. [X] and his family implicated in this unfortunate interaction between his life and the authority of the government. The fact that there might be 1,000 or 10,000, or over the course of American history there are cases just like this makes it more remarkable, not less . . . We are the ones that know these situations are remarkable and we are doing the work by bringing them to life. No one would know any of this without PD's that keep going to work regardless of a pandemic.

He concluded confidently, "We are on the right side of history at all times."

Dr. Strange shared these sentiments and detailed his personal reasons to continue practicing indigent criminal defense, "What the criminal justice system does the people is wrong, what it does to defendants, people arrested, is wrong, how it treats people is wrong. How callously it can throw away someone's life is wrong. The system is very flawed." He explained that the system itself is built to incarcerate, not to find the truth:

To lock somebody up and then give throw them the stiffest penalty possible and not care about to even look at what's going on. And just lock somebody up unless somebody, such as a public defender or defense attorney is willing to look at the evidence, go through the report. Find out what really happened and find out what's, what's the best way to like not ruins people's lives like you have to, you have to stop this whole process and I and it takes a really caring, compassionate creative patient person to do something like that. And To actually get that type of result for somebody against these odds is very satisfying.

Dr. Strange went on, "It's sort of like . . . you can see how flawed humanity is and to humble yourself to recognize it and to go to work every day and fight against that is very rewarding. So, this job is very rewarding." When asked what his main

concerns are, what keeps him coming back to work every day he stated, “My main concern is that the forces of evil will prevail over the forces of good.”

The meta-imperative

Regardless of the path taken, for these attorneys that primarily employ a meta-reflexive autobiographical narrative of motivation, the system itself is perceived as being so inhumane and unjust that walking away without trying to effect change in some way becomes unpalatable. For some, as time passes, it feels less like a career option and more like a personal imperative.

Black Widow explained in detail that she continues to practice indigent criminal defense to be a person in her clients’ lives that actually cares about them—maybe the first person in the world that has ever expressed care for them, in fact. She stated, “To help people is to help people. I mean, it sounds cliché, but it is and it’s not. And it’s helping people who need it the most.” She recounted a time she worked in the juvenile division in the Colorado public defense system:

My God, that was heartbreaking, and I still get teary when I think about it. I had this kid, he was probably 11 and I was trying to talk, talk him into taking like a plea agreement. I don’t even remember what it was. But he was like, ‘Nobody cares about me.’ You know, he was like, ‘Nobody cares if I go away, or I stay. Nobody cares about me.’ And that just broke my heart. 11 years old and I’m like, you already have that feeling that nobody cares about you. And so, I, it just got, you know, profoundly worse.

She described that as the seriousness of her cases increased, so did the feelings of worthlessness that she saw in her clients. As an administrator now, she does not have client contact like she did previously. But the clients and how they are treated by

society has sustained her very long career.

I am going to be that one person if they have nobody else in their whole entire life that cared about them. They're going to know I do. And so that's why I really do it. And being a supervisor and administrator, I miss that part of the work, you know. Because I don't have that client contact anymore. And so, I do really miss that, because that really was what kept me going is knowing that my clients knew they were cared for, period. And I was gonna bust my ass to do whatever I could for them.

As an administrator, however, client-centered representation is something she is trying to instill in the entirety of her organization. “And so now as an administrator, you know, I try to instill that in our people, you know, get them to feel the way I do and challenge him to be better because they need to be better because the work we do is so hard.”

A public defender from the Northeast, Josh stated, “I became a PD because I didn't want to do anything else...it is too important to all of those that are accused to leave up to someone else, so to speak. If it wasn't me maybe someone who doesn't care like I do would be doing it.” Another public defender, Sam, described that she grew up in a privileged environment, “I am a white, blonde girl that grew up in DC. I definitely didn't grow up with the hardships our clients face.” But she “fell into an internship at the public defender in Charleston, South Carolina.” She stated, “I just, I don't know. I realized how privileged I am, how unfair everything is, how fucked up our system was and I kind of decided at that point that I fucking owe it.”

The colloquial term and concept of a ‘calling’ is prominent among this group of narrators. For example, Jane stated, “It's more than a job—it's a calling. It is all I want to think or talk about.” Ilona stated, “I am convinced this is my calling. What we

do is fight for civil rights and justice for our clients.” And Sasha said, “But this, I don’t think there are a lot of people who this is where they feel the best and since I do, that is how I know it is my calling.” Scarlet Witch stated, “I just have a passion for what I do. I really do. I just, I, I love what I do and to me it is, it's a calling.”

Here for the underdog

Based on the analysis of the backgrounds and personal histories of the attorneys in this sample, one narrative that is meta-reflexive in nature and appears to hint at a common social position or protention among these attorneys. The idea that these individuals repeat in one form, or another is, “I am here for someone who cannot defend themselves.” Some mention that their parents encouraged them to question authority, stand up for others, and look out for those who cannot look out for themselves. The narratives in this sample offer a small glimpse into a highly common protention narrative regularly deployed by these attorneys. Future research should further explore what is meant by being raised to cheer for underdogs.

Gamora described that being in service to others is a family affair, “Public Service is just important to my family. You know, my grandpa was in public service. My dad's been in public service. That's just part of who I am.” Vision, whose father was a police officer and worked for the district attorney’s office reflected, “I think my dad raised me up to help people. I mean, that's how we grew up and I just never saw a prosecutor, in the role of helping people, obviously they help society . . . I'm not knocking them at all. But from my perspective, is it was helping the guy on the street.”

Peter described that he interned at the district attorney's office and "within weeks, I knew the DA was not where I wanted to be." He notes that his dad had some legal trouble when Peter was a kid and was appointed a public defender. He stated, "I'm an underdog guy, I have a dad that is an underdog." Craig explained that he tried to work as a prosecutor, but quickly switched to public defense, "I tried prosecuting, honestly . . . And I did not like it. I did not like prosecuting people for minor things which are essentially status crimes." He elaborated, "I am homeless so I'm sleeping on a sidewalk, or I am hungry, so I went in there and lifted something and the guy touched me, so I brushed his hand away, so now it's a robbery." . . . I just couldn't stand it, and so I switched teams and luckily I was hired, and we were off to the races."

Evan recounted a story from sixth grade when a classmate of his was chastised by a teacher for taking an extra serving of food at a school party. "He's yelling at Josh and Josh is crying, and I just remember just like getting up and saying, 'You can't yell at him. He didn't do anything wrong!'" When his mother was told about the incident in school, she urged him to apologize, "You better apologize [to the teacher]". An invitation he declined adding, "Fuck that, I'm not apologizing to him. So, I just kind of feel like since I was little, I always wanted to stand up for the underdog . . . He was being prosecuted for a bullshit crime." He urges other public defenders to rethink their early experiences, "Look back on your life, public defenders, and maybe start seeing these like weird moments where you defied authority or stood up for somebody . . .".

It is unclear from the data available in this sample the extent of possible arrays of circumstances, notions of divergent methods of upbringing, or personal experiences spurn the underlying narrative of “standing up for the underdog” in an individual’s motivation narrative. Parents that serve others, even if the individual takes a divergent path to the other side of the bar—the defense side rather than law enforcement—give credit to their upbringing and parents’ teachings. Watching a parent navigate the justice system can also be impactful. Religious philosophy and teachings have the potential influence and reinforce the narrative of standing up for vulnerable others in individuals. And something as seemingly benign as a sixth-grade school party can apparently influence the development of a narrative of always helping others. Further inquiry into the underlying underdog narratives in professionals should be undertaken in future research, especially in fields of public service organizations and professionals.

Autonomous satisfaction: Adrenaline junkies

Highly autonomous narratives in this study centered around the individual’s motivation to persist in this work because of the personal thrill or satisfaction the attorney receives from being in an adversarial trial setting daily. Narratives about messing with “the man” and “sticking it to the cops” were prevalent in this data set. For example, Noah said, “There is nothing more enjoyable to me than cross examining police officers and poking holes in a case.” Matthew still loves the thrill, “I go to work and professionally fuck up cops’ days.” After winning a not guilty verdict, Stephanie

stated, “This month I got to stick it to the man and it’s great!” And Shahan explained, “Getting paid by the man to screw with the man is really fun.”

Gamora explained how she went out of her way to make police officers attend depositions in her juvenile cases, “it was funny because a lot of the cops were lazy and they didn’t understand, ‘Well, I’ve never been here for a deposition for juvenile case.’ And I’m like, ‘Well, you arrested my client. So, you will be deposed. So, there you go.’” Gamora took pride in pushing the boundaries and challenging police and prosecutors on behalf of her clients, “So I just outworked everyone. I deposed all the cops. I filed tons of motions to suppress . . . I kicked the crap out of my prosecutors down there.”

Iron Man has always loved to fight, “I’ve always liked to fight and literally fight, I love, I loved to fist fight and so I really relished the brawl. And once I realized how much the public kind of hated the people that represented our clients, or represented clients like ours, I thought it was pretty neat.”

The tribe: Communicative reflexivity narratives

One of the structures that emerged from the data that seems to make this difficult work tenable for this group of professionals are the close ties and relationships that they form with other indigent criminal defense attorneys, “I loved the people there” (Shahan, 3:3). This group is a self-described tribe, “I found my tribe” (Jane 2:3). Instead of focusing on their interpersonal long-term relationships as a root of communicative reflexivity (Archer, 2003), this group’s communicative reflexivity narratives center around their coworkers and other attorneys like them. In fact, long-

term and familial relationships can suffer because of their work, “If you look . . . you’re going to find trial lawyers, and criminal defense lawyers, in particular . . . [the] highest divorce rate in the profession” (Captain America). They express that because their work is very challenging, they find comfort in the intersubjectivity and vicarious trauma they all share. Like a nuclear family, they care for each other and look out for each other’s wellbeing. Even after leaving a public defender position, these attorneys highly value their relationships with each other.

Vision has now tried over 40 death penalty cases and has been practicing indigent criminal defense since the 1980’s. When asked about his coworkers and how they support each other, he stated, “I’ve taken on more responsibility, just because I’m the old guy in the office and . . . I tend to be kind of the voice, sometimes I don’t want to say the voice of reason, but I try to keep people’s morale up. you know I encourage them . . .” He expressed how much he values the relationships he has with his coworkers and considers them friends, “We really, really lean on each other.” He explained that because of the nature of the work, they can sometimes fall into dark humor, but it is the nature of the beast, and they rely on each other to stay healthy and motivated.

We really work for our clients. We really care for clients, but every now and it’s just you have let loose and so there is a little dark, dark humor floating around in our business. But you have to take care of each other. And [the] office is great about that. I mean we really check on each other even this zoom chat stuff. We all talk every all day every day.

Captain America described his experience rising through the public defense ranks as a supportive one, “I was coming up through the ranks at the public defender .

. . I knew my boss had my back and I was handed that kind of philosophy and hopefully continue to foster that.” Captain America echoed Vision and acknowledged that dark humor is a critical component to surviving this area of practice mentally and emotionally. When asked if he could think of another profession that relies on tight interpersonal connections among coworkers like indigent criminal defense. He stated,

That made it sustainable is the family attitude and atmosphere in a public defender. I mean, do you have siblings that you want to strangle sometimes? . . . But the closeness, you know, we cried together and celebrate together . . . it's the black humor, the only way we get through the day sometimes. It's literally, the only way we get through that. So, no I don't know another, I'm a little myopic obviously because I've now spent 40 years on this, but I can't, I don't know of another profession which, as dysfunctional as that may be, the family is a critical component to getting us up, getting dressed, and putting in the time.

Even after leaving the practice of indigent criminal defense, Thor continues to value the relationships he built with fellow public defenders over his years of practice. As Thor explains, nobody understands a public defender except another public defender. “So, the people, the only other people in the entire world who understand what that job’s like, in my opinion, are other public defenders. And so, there's this natural gravitation, like just you become best friends with people that you have otherwise really nothing in common with.” Thor describes public defenders as the outcasts of the criminal justice system.

I've explained it like this before: as a public defender you're kind of the stray dog of the courthouse. Like, no one really likes you. You know, if you're doing your job well, you're making the judge work. He may respect you but he's like, ‘God dang it. Yeah, yeah, yeah.’ The state attorneys don’t like you and your clients don't like you.

Thor was presented with a rare opportunity and no longer works in indigent criminal defense, but he still keeps in constant contact with his former coworkers.

So, I would have never left. I loved, I mean like I said, my best friends are still there, people I talk to and text.” One thing he misses about the job was the chance to work with his best friends, “You’ll just be at lunch and be like, ‘Hey, we’re picking a jury this afternoon. What are you up to?’ ‘Well, my trial just pled.’ ‘You want to come and try this case with me?’ ‘Oh, yeah!’ Next thing you know, you’re in like a four-day trial with your best friend.

He reflected, “it’s such a powerful bond of being the stray dog, you know?”

Cross examination: Sustainability

Regardless of their reasons for staying, the attorneys in this sample were not reticent to speak about how difficult this profession is for them as individuals and as a group. Not only is this profession emotionally taxing as evidenced throughout the narratives in this study, but the structural constraints also that contribute to the stressful nature of this practice area are widely discussed within this community (Cardinale, 2018; Sewell, 1992). These attorneys describe fighting a battle from all sides at all times. Those outside the profession do not see or understand the value in their work. “How do you defend those people?” is a common question that these attorneys discuss having to answer. The attorneys in this study see a perception in society that public defenders are not good lawyers and that is why they are public defenders. A common concern of public defenders is their relatively low compensation. When paired with six-figure student debt burdens from attending law school, a relatively novel phenomenon but by no means uncommon, the practice of indigent criminal defense has become even more challenging for these attorneys.

Outsider Perceptions

One of the most volunteered narratives about how society perceives these professionals' work is when the attorney expresses frustration with a common question they are forced to field: "How do you defend guilty people?", or "How can you do what you do?". No matter whether the individual attorney primarily engaged in autonomous or meta-reflexive narratives, all attorneys in this profession feel strongly that what they do is not only important, but necessary, even if that means being misunderstood or even hated.

Captain America volunteered, "I truly believe in the constitutional representation requirement. Not a requirement, a necessity and obligation, in a way. So, I don't know how many times I've been asked, 'How can you represent those people?'" But Captain America does not see victims of crimes as the only victims of the justice system echoing the sentiments of Dr. Strange discussed previously.

With the police brutality, with the racism in the system, with the ridiculously long sentences that occur these days, how can I not be involved in trying to sometimes just slow the game down?" He went on to explain, "That is when people get really upset. They'll say, 'Well, what about the victims? . . . I believe victims have a right to be heard, but they don't have a constitutional right to be represented . . . and the Constitution, if you look at the bill of rights 40 percent of the bill of rights are about protecting criminals from the government and it was done that way because England was such an oppressive country and government. And the forefathers weren't going to let that happen [in the United States]."

Vision also expressed his sincere dedication to the constitution and holding the government accountable when it has the power to kill a citizen. So how does he explain it to the curious, "One, I totally believe in the rule of law. And I just tell them,

if you believe in the death penalty, that's great. But it's got to be a fair fight. You cannot give the state the resources to kill someone and not give that that person a true defense.” Vision admitted that he did not always feel this way.

And I will tell you, when I first started, I probably was not, I was not totally against the death penalty. You always kind of have that ‘if it was my family, I'll tell you what I would do.’ But obviously, over the years, and I've seen some injustice happen in this field . . . I'm totally against the death penalty now. So, I just really think that the state should not sanction the taking of any life.

Finally, sometimes even family members misunderstand what these attorneys do. Iron Man comes from a conservative family and is even conservative himself. He acknowledged that in his circles, that makes him a little different from most of his colleagues. He now only works with capital defense matters, although he has practiced indigent defense for almost 30 years. “I'm not a what I would say doctrinaire capital defender. When people look at my job title, they make a lot of assumptions about me that are not correct.” Regardless of others’ perceptions, he has no problem justifying or explaining to others why he does the work that he does:

How I can do that is simply because I know how ridiculous the capital structure is in Texas. How the capital schema is setup in Texas. It's really, it's really not hard. You know. Some of my conservative relatives really can only understand it to the point of about, you know, everybody deserves a fair trial, and everybody deserves a defense. So, that's pretty much where I leave it with them. Obviously, there's a lot more depth to it than that but ultimately, it's really easy. And my family is largely very conservative. I'm a conservative person. My social circles are largely conservative.

Based on the data and narratives in this study, the practice of indigent criminal defense seemingly can be satisfying and sustainable for a wide variety of people with

a diverse set of political, religious, and personal motivations and beliefs. In fact, Iron Man continued to explain that when given the chance to have an in-depth conversation about his work within his conservative groups, he leaves people troubled.

[If] you have an actual conversation of any depth with someone about it they get really uncomfortable because you're rattling their cages and you're rattling their perceptions, and ultimately, that ties back to their self-image because they really do want people to have a fair trial and they really do believe in those things. When you tell them that that's not exactly the way the world works, that's a real disconnect for them. And so, when you occasionally have those conversations about how you can you do that kind of stuff, if you go very deep into it, they're left, they're left troubled, I guess. And ultimately, hopefully, they leave those conversations, having had to think a little bit. Because I do think most people don't think about it.

Iron Man reflected on the nature of the political environment and the ease of using political affiliations or ideas as a way to justify one's beliefs or opinions without actually considering the issues—even the death penalty.

I think that they haven't they have a really hard time with it. And it's much more comfortable just step back and have that superficial opinion about really any political subject. I'm either for this, that doesn't require us to think very much, and it certainly doesn't require us to challenge our own perceptions and nobody, nobody left or right, today's culture wants to have a conversation with anybody that disagrees.

Some attorneys also noted that the practice of public indigent criminal defense, as opposed to private criminal defense, is not valued by society. In some ways, these attorneys describe their professional practice as stigmatized and wholly misunderstood, “there's this perception that public defenders are crappy lawyers” (Captain Marvel), and “you're a public pretender and all that” (Thor).

Scarlet Witch explained that she has battled this perception during the entire course of her career. She noted that in her perception, not only are public defenders

top-notch lawyers, as a whole, they do not have any interest in earning a lot of money. That their desire to help someone who is really in need outweighs their personal financial potential.

One of the biggest misconceptions that people have is public defenders are substandard lawyers, because they're not making the big bucks. The truth of the matter is, I think we are some of the best lawyers out there because we do it because we want to not because we have to." All of us could go out and make a hell of a lot more money, representing people that can pay us. But at the end of the day, I would much rather represent the mentally ill homeless man who needs me rather than some pretty rich boy who's just trying to get out of trouble. Because I can, I can make a difference in his life. I can't make a difference in the pretty boy's life.

Scarlet Witch also described another slight in the industry that outsiders would not know about. Within the Texas Bar, in particular, public defenders are rarely, if ever, recognized. Sometimes even criminal defense legal associations do not recognize indigent criminal defense attorneys.

And then there's also the other facet of it. We are not glorified in any way. We don't get any of the accolades that are put out by the State Bar and neither do the prosecutors. prosecutors and public defenders. We don't get any recognition for what we do. You go to the Texas bar journal or Texas Monthly Super Lawyers, that's another one. Every single person in there is private attorney. They do not celebrate the indigent defense. So, when you're labeled a super lawyer. That means your friends got together voted you in and you pay \$10,000 for an ad space.

But then you come back and it's like, you know what, I'm looking at some of the indigent defense lawyers who are some of the best lawyers in the state, and they got nothing. Now, they don't get any recognition from Texas Monthly they don't get any recognition from the State Bar. A lot of times, they don't even get recognition from their own defense lawyer associations.

Challenging clients

Even the clients can pose a challenge to these attorneys. This data reveals a complex relationship dynamic between indigent clients and the attorneys that are appointed to represent them. Interestingly, all data for this discourse was revealed through the semi-structure interview process and not through the publicly available data. Why this is not a common discourse in public amongst indigent criminal defense attorneys but was willingly shared in the research setting deserves further research attention (Wright Mills, 1940). As Thor notes, “and you’re just a public pretender”. Dr. Strange noted, “And even your clients aren't going to like you. Sometimes, you know, and, you know, that's okay. It's just, it's okay.”

The female interview participants opened up somewhat more about their experiences and frustrations than the male interview participants. For example, Gamora described her experiences with client trust and respect:

You know, sexism is still rampant . . . it was at the PDS office, too. But I would get it from my clients, where, you know, I would tell them, ‘This is the offer,’ and they wouldn't listen to me. And then I would tell my [coworker] Andrew, ‘Go over there and tell him to take this offer,’ and then they'd be like, ‘Oh yeah, that's a great idea!’ because it came from a guy.

Gamora also recounted one of the final cases that she tried before leaving the public defender. It was a sex offender case where a man was accused of molesting a child. “You know, a lot of the sex offender cases are draining because a lot of the times those people. Um, you know, presumed innocent, blah, blah, blah. They're manipulative. They're very manipulative . . .” (Gamora). After a grueling experience with this client, he got the chance to evaluate her performance. She recounted, “When

the judge was like, 'Are you satisfied with services of your attorney?' He said 'no' and said I didn't talk about penis enough. And I have that transcript because I saved it because I was like, this is insane."

At the same time, Gamora did not have the same relationship to other types of clients, especially juveniles. When comparing and contrasting the work of prosecutors and public defenders, Gamora explained that to her "[it is] more satisfying to do the PD work because like we get the clients, you know?". She mentioned that unlike many of her peers, jail was not somewhere she dreaded going, "Like I was one of the people who truly enjoyed going to the jail. Like, people would make fun of me because I would get . . . my clients to like open up to me, or like tell me . . . I come back with these like crazy stories." She revealed, "When I was in juvenile like I get all the kids to talk to me and I'd learn all these like slang words and stuff." This seemed odd even to her colleagues, "And some people would just say, 'How do you, how do you get them to do that like they don't talk to me that way?' And I'm like, 'I don't know, it's just me, I guess.' I don't know. So, I you know I enjoyed that part of it because that's just my personality."

Captain Marvel who practiced indigent defense for seven and a half years, but has since left that area of practice, explained:

It's also different when you are a five-foot-tall girl. They expect you to kind of play their mom. And I'm like, 'I'm not here to do that. I'm not here to console you. I am here to be your lawyer. And you wouldn't ask a man to do that.' So, I would be very frank with a lot of my clients that I'm not going to be this coddling person. It doesn't mean I don't care. It's just that I, I have a job to do and it's best if I do this with putting a little bit of a wall up. But it made me feel sad because these are still people.

Finally, Scarlet Witch discussed how she has built her own wall between herself and her clients over her decades of experience. She explained, “As involved as I do get with my clients. I still have to . . . I’m not their friend on their lawyer.” She goes on to reflect, “And even though I may genuinely like somebody and want to be the touchy-feely kind of lawyer, that’s just not me . . . I have to keep that wall up, otherwise I lose my objectivity and if I lose my objectivity, it can only hurt my client.”

She attributes this protection she has built for herself as one of the sources of her longevity in this practice area—25 years and counting. When asked if this emotional distance is one way that she keeps herself physically and emotionally healthy, she replied, “That’s part of it. I think that’s why I’ve had the longevity in this job that I do because I am able to put up that that wall.” She acknowledges that her clients do not always appreciate her distanced approach at times, “And I know it’s a little off putting for my clients, sometimes, but I tell them going in that some days you’re going to deal with [Scarlet Witch] and some days you’re going to deal with your lawyer.”

Scarlet Witch acknowledged the delicate balance that indigent criminal defense lawyers must manage—both building and maintaining a relationship with clients that ensures trust while not being too personally involved in each client’s matter. In Scarlet Witch’s experience, when the wall is breached, so to speak, it can be a fruitful and rewarding experience.

And some days, we’re going to work very hard, but I also understand that some days you just need a break. And you just need someone to shoot the shit with. And so, I have those days with them [the clients]. And it’s funny that . . . those days when we start to just shoot the shit,

with no agenda, nothing planned, those tend to be the most productive days I have with them. Because you have to have those days to build rapport with people . . . You can't just be made of ice and stone and expect somebody to pour their secrets out to you.

Pay and student debt

Finally, pay is a concern for many public defenders. Although this group overwhelmingly dismisses the motivation to make money as a reasonable justification for doing this job, they still sometimes struggle to make ends meet. Student debt was featured prominently in these narratives. Interestingly, all data for pay and debt was gathered in semi-structured interviews. Of the 11 attorneys interviewed, only three were able to complete their legal education without incurring student debt. All three of these participants were men and ranged from 40-65 years of age. Two of these three had parents that funded their legal education and the remaining one funded his own legal education by working his way through law school in the early 1980's. All interview participants agreed that indigent criminal defense lawyers are not adequately compensated for their work.

Rocket, the full-time professor, and part-time appointed counsel explained that in his view not compensating defense attorneys appropriately is a failure to recognize how important and difficult this job is. He stated, "I think the defenders need to be better compensated . . . I think they are doing great work for clients, but I think that more money obviously compensates people who are doing very hard work. This is very difficult work. It's important work." He explained that not compensating indigent criminal defense attorneys can potentially lead to further abuse in the system.

I also think that the prosecutors are only as good as the defense attorneys. Because the prosecutors have too many cases to turn everything over, we've got to have a well-funded defense bar to make sure people aren't being pled to situations they don't need to plead to. Right? The defense bar has to do its job.

Black Widow knows the issue of pay in the indigent criminal defense system all too well. Her first job paid her a yearly salary of \$24,000. She believes that unless more people understand and are educated about who public defenders are and why they do what they do, nothing will really improve. "You know if we could get better pay—but that requires educating people on why it's important. And I don't know how you do that because unless someone has been personally affected by it, they don't care."

Iron Man, who now serves as an administrator in his organization, has the topic of attorney pay at the forefront of his mind. What's changed, however, is now he is navigating the bureaucratic and political world of indigent criminal defense funding, specifically for capital offenses. He said, "Ultimately, the people that hold the purse strings, the ultimate criterion is, we want as much as we can get for as little as we can pay. And that's true, you know, in every aspect of society." He noted a conflict in this logic when it comes to indigent criminal defense.

They want as much capital representation as they can for as little as they can pay for it and there's a natural tension there. That a lot of people don't understand. You know, I think you have to pay them. There is . . . no one that's going to willingly take on this kind of beating, year after year that does not expect to be, you know, highly paid for it.

He explained further, "Society does not value this, they never have. Public Defenders are kind of a necessary evil that we will dump on them, and they still do it." Iron Man

also brought up that indigent criminal defense organizations, in general, just cannot compete with private practice in two specific ways: money and stress levels. “It's hard because if you're out in private practice and you're at that level, you probably make a lot of money, and we can't compete with that . . . I don't have to do this. I can go earn a living in a far less stressful environment.”

Sometimes, however, even money is not enough. When asked if more money could have prevented Captain Marvel from leaving indigent defense, she quickly and succinctly replied, “No.” She reflected that, if anything, making more money at her previous position would have made it more difficult to find another comparable job. “I’m not motivated by money . . . I think it would have, if anything, would have caused more problems for me . . . I couldn’t afford to find another [public service] job that was comparable.”

Student debt is a concern for the majority of attorneys interviewed for this study. Out of 11 interview participants, only three were able to graduate law school without incurring student debt. All three were men. The more senior attorneys in the interview sample noted that they did not experience the profession and school the same way that students do in recent history. Student debt balances were used to justify practice changes for several attorneys in this study. simultaneously, others have been undeterred by their debts. In their perception, the debt is not worth giving up this work.

Captain America was so dedicated in his pursuit to become an attorney, that he sought out financial aid help from a highly unlikely place, “I basically mortgaged my soul.” After being denied student loans, he decided to send someone a letter.

This is gonna sound so freakin’ corny. . . I sat down and wrote the President of the United States, a letter . . . And it basically said, “Look first generation college, law school, loans are denied. I can't get there unless I get some dinero. And the irony of it is, for whatever reason, Gerald Ford told somebody to give me some money, so I got a school loan. I don’t know why. I don’t know if my letter even made it to anyone but a trashcan, but next thing you know I got school loans and I borrowed my way through law school.

By the time he had finished law school, his debt was in the five-figure range, “I think I had a \$40 or \$50,000 debt . . . and in those days that was a shitload of money.” His first job as a public defender paid \$17,000 a year, “I mean I took over the years to pay off my school loan.” While thinking about new graduates, he stated, “It’s not working. I mean, kids are coming out with loans that are three or four times higher.”

Black Widow has been practicing law since the mid-1990’s and still carries a student loan balance, “I mean it's well over \$100,000 and I've been out of law school since '96.” Her original balance was \$55,000 and her first job paid \$24,000 per year.

[B]ut starting out as a public defender, I wasn't making any money. And so, I just kept deferring, deferring, deferring, deferring, and it just kept compounding and . . . interest just piled up and piled up and piled up . . . I've really been a career public defender. So, I was never really able to make a dent [in the balance].

Thor had every intention of serving out the full 10-year, 120 required monthly payments to get public service loan forgiveness on his law school debt, “I was like well, if I can work for two years and then go work for a public defender or state attorney’s office for eight years maybe these loans will go away. What they don't tell

you about that is that you still you don't make any money.” He explained that student loans are a hot topic at the public defender’s office where he worked, “I've talked to friends about it, but you know. Obviously, it's all we talked about when I was at the public defender's office.” As noted previously, Thor left the public defender to pursue plaintiff’s work at a private firm. The only reason he left the public defender was because he was told he would make a very lucrative living. This was something he was interested in because he wanted to start a family with his wife.

[S]ingle me would have been fine working at the public defender's office forever. But when you start thinking about paying . . . for college for a child and getting married and giving your wife nice gifts and taking vacations . . . and you look in the mirror and you're like, ‘Man I’m 32 years old (you know, 36 now), it's like how long can I do it . . . I was paying income-based repayment on all my loan, so what started as like \$150 [grand] when I finally paid them all off ended up paying like \$130 grand, you know. And that's despite making payments every month. You know, it's such a racket.

He is now debt free.

So, a year or two after I started there, we had like a huge settlement . . . and that's really the only way you can pay off student debt, in my opinion. It’s, you gotta like essentially win the lottery. Win one huge lump sum payment . . . So that's kind of what happened. We had a huge settlement once I first started there, so a large chunk of cash in my pocket then out of my pocket.

He said he had considered other ways that someone might be able to pay off their student debt:

You can get incremental increases in your salary and you're still never going to pay those off . . . the only way you do it is if you go from . . . making \$60,000 a year to making like \$260,000 a year and still living like you make \$60,000 a year.

Gamora cited her student debt as a prominent driver to her exit from the practice of indigent criminal defense. She does not see the practice of indigent criminal defense as sustainable in her geographical context—Florida.

No, not sustainable. Um, first of all, in Florida, the pay is bad. It's \$45,000 a year [starting]. When I graduated from law school, I had \$120,000 in debt. Um, by the time I left the public defender's office after five and a half years I was earning 62 five (\$62,500), which I thought was so much money. It's like, oh my gosh, you know. But with loans, my loans had gone up because [my monthly payments] barely covered interest. So, I had the anxiety of not being able to pay my student loans.

Student debt and repayment options are so complex that even attorneys struggle to make sense of all their options. Scarlet Witch described her experience with student debt.

And then I kind of got screwed. And I did something stupid, as well. I thought I was doing the right thing and I consolidated my loans. And it was a variable interest rate. What they didn't tell me is that it only varied up. It didn't vary down. So, after the consolidation they maxed out my interest rate. And it was just awful after that. I ended up refinancing my house maybe 10 years ago and then paid off the remainder of my student loan debt. So now I rolled that into a mortgage, which made it all tax deductible.

Scarlet Witch is now debt free, but she paid off her balance under very difficult circumstances, “I probably would not have paid it off but for the fact that my mama died.” She reflected that her mom likely would not have wanted her to use the money she inherited that way, “She would probably be upset with me if knowing that I use some of her money to pay off my loans, you know, that was meant for fun.”

Captain Marvel described feeling as if her debt was a punishment, “I felt like I was punished because I became professional.” She explained that if she had gone a

different direction, any direction other than law school, she would financially be better off today, “I know for a fact I probably would be making more money right now if I had just done something except law school. I know it. I’d be making more money, and I know that. That blows my mind.”

Although she no longer works at the public defender’s office, she remained in government work as she works toward public service loan forgiveness, “it’s going to save me.” She and her mother strategized before she attended law school. Her mother works in financial services.

It is a prison I don't mind being in. I think other people would feel differently, but I think those people just can't stick with public service forgiveness and I think there's people like me that they know what they're getting themselves into. I came to this with my eyes wide open I was like . . . I know we're going to do this, I called it the Shawshank. I'm going to dig that hole deeper and deeper and deeper and just watch . . . watch my life, the entire bill . . . [go] from \$220 [thousand] to \$360 [thousand].

She described how it feels to see vague promises of student loan forgiveness on a national scale, “Every time they talked about forgiving loans, they are looking at \$10 or \$15,000. Those are great for people that have those kinds of loans, but you're going to lose an entire damn workforce if you ever get rid of this forgiveness program.”

The attorneys that were able to complete their education without incurring debt expressed that they were grateful to have entered the profession without student debt unlike so many of their colleagues. Iron Man said, “I was very fortunate.” He explained that he attributes this to his parents’ age and generational differences.

My parents were older . . . they’re Silent Generation. You don't get in debt for things . . . That's at least one of the benefits of having parents of that age, having lived the depression experience. You don't go into

debt. And so, they were not going to go down that road through college. My father was not particularly fond of college, and he definitely wasn't fond of lawyers. the idea of paying for law school was something he did not particularly care for, but he did. And because he did, I'm in a fortunate position and a lot of my colleagues are not in.

Vision was also able to complete his education without incurring debt, “We were very, very lucky.” He explained he was able to work during law school and had the support of his wife’s income, as well. “We were lucky in our housing. We were able to buy a house from [my wife’s family]. House payment was \$120 a month. It had an apartment behind it I rented for \$125 a month.”

The personal toll

Throughout the narratives presented here, it is clear that indigent criminal defense is not an easy day job. One of the most talked about issues in indigent criminal defense is mental and emotional health. When asked how Black Widow has maintained her mental and emotional health over her long career, she responded, “honestly, therapy.” She reflected that in her experience, many public defenders are a little damaged in their own way. This is what makes them good at their job, but it also makes handling the stresses of the job more difficult.

I will say, I think people who do this work, are like, damaged. We have a past we have baggage . . . I think that's why we choose to do this work because we can relate to our clients. Not on the same level, right? But, and so, you know, I've been in and out of therapy since I was in law school because of stuff. Because it's definitely in my past, but also because of just the way to handle it, you know. When you get a death sentence it's tough. I mean, you just kind of lose a part of you that you never get back and I haven't had anybody executed, yet. They're still on the row, but I know, and then when that happens, it's going to be even worse. But, um, I don't know how you, I don't know how you do, how you handle it. I just, you know, I adopted two kids and that helped

because I have a focus that's more important than me. And I don't, not very well.

Research shows that these attorneys experience vicarious trauma, like a communicable PTSD, from their clients (Zwisohn, et al., 2019). Captain Marvel explicitly addressed this phenomenon.

One of my friends who worked on and off again at public defender's office, now she's an attorney for the Florida Bar, she had read this really interesting article . . . about how all criminal defense attorneys ultimately experience secondhand PTSD with every single case that they have because of the amount of time invested.

Captain Marvel was a public defender for seven and a half years. But last year, she decided to walk away. She described being completely drained emotionally and psychologically. She explained that her work at the public defender was so high pressure that she was surprised to find that practicing law does not have to be so stressful. She also noted that her former office is particularly tough.

I think that the institution is completely broken and they're continuing to break lawyers, because of it . . . if we lived in a different system, we had a different system, I think I could have handled it a lot longer. I don't know if I wouldn't necessarily have stayed there my entire life, but I know I wouldn't have felt like immediate pressure [to switch jobs] . . . And as soon as I switched jobs, I'm still a government attorney and my life is completely different. Like, I don't have the amount of stress and pressure. I realized that not everyone has that. And you feel it. You actually you really do feel like you have to do this and that you need to stay.

She explained that even when she won, it stopped meaning much. "The real kicker was when I would win and it just, it was like, on to another one. Like, good Lord you say, 'this is like soul crushing . . .'" She noted that public defenders need more than a talk from a representative from the bar to support their mental and emotional health.

She explained that the offices need to give attorneys access and regular contact with mental health professionals.

Managing and bringing in experts to help us deal with our stress levels. Because people in public defense don't know how hard their job is because most of them start out there. And having someone come in, and not just get like a lecture from the bar, which just makes you feel like you're in trouble, but like if offices took it upon themselves to really value their attorneys. But that's the problem of the legal profession in general, and we've all heard the horror stories of crappy bosses . . . lawyers have stressful jobs. Then, you just add public defense on top of that and it's not a good combination.

Gamora described one of her final cases, a very tough rape case described above. When asked if there was a last straw for her, she said there was not. Rather, "It was a slow build. I was just burned out. I got burned out. It's a lot." When I inquired further if there had been anything that could have kept her in her former position she said:

I mean, maybe a lower caseload. Or, you know, some more money, lower caseload. Um, I just don't know. I don't know. I mean, and after. And when I left too like a lot of it was you know after Trump had been elected and that added a whole other layer of stress, like what is happening to the world? Like what is happening with, you know, women's rights? And something had to give. Like I just felt like everything around me was falling apart. And I was just exhausted all the time. And so, something had to give. And it was just like my job was just really energy depleting and so you know, I had to make a change.

Hulk expressed the same sentiments and noted that recently he had been presented with a Facebook memories compilation from 2015 while he was still at the public defenders' office.

I guess December of 2015 I posted after a pretrial conference I just said, a murder case, two attempted murder cases, rape case, assault and battery case, and an arson case set for trial.

Something's gotta give . . . looking back I don't recall feeling that stressed or burned out, but every time I see [that post], 'Oh right, I remember that now.'

Captain America and Iron Man both oversee entire public defenders' offices.

They both acknowledge that the workload, when combined with the other constraints mentioned above, is a major concern for them and the health of those they oversee.

They, too, have experienced their own personal struggles with continuing this work.

For example, Iron Man explained that death penalty work is the most demanding area of criminal law practice. He personally does not know how he could sustain the pressures of daily practice at that level any longer, "I don't know how well I would handle [prepping and trying a death penalty case] anymore." He described how working up a capital case looked for him.

The last capital case that I tried was very taxing personally and I don't miss, I don't miss that feeling. That was months and months. I don't remember the exact timeline, but three or four months of almost no sleep. Sitting, uh sitting in your office or sitting at your desk at four o'clock in the morning to get started with the day, simply because you know, you're, you're compelled to be there. Yet, you know, in a way, you're, you're still spinning a little bit and trying to figure out what we're going to do what we're going to do today, whether it was jury selection or the final preparation for trial, I don't miss that.

As an administrator, he worries about how to keep his attorneys motivated and healthy.

Our trial teams and particularly of late. We have been on a bizarre trend of was literally resolving a case on one day and getting a new case, the same day, or the following day. So institutionally that's something that really is a concern of mine is how this organization is sustainable. Because the only thing that follows a good result is another case. And how long can people do that? How healthy can people be doing it?

Captain America recounted his own experiences and the time he almost walked away from the practice of indigent criminal defense for good. He lost a death penalty case. It was later reversed, but at the time, he was devastated.

When that happened, I went up in the mountains for a week by myself fly fishing and I was ready to quit. Like, screw this. I think that was three years of work, it was a three-and-a-half-month trial. I was in terrible physical shape. But I decided that when I went up there, it was I was going to write my resignation. By the time I got done spending a lot of time in different streams fishing, I decided to, excuse my language, but fuck that. The prosecutors are not going to control me and run me out of this business. And so, not only I decided not to quit I came back and immediately asked for another death case because it was I was not going to be going out that way.

Captain America noted that the industry and the way attorneys approach this difficult practice has shifted over the years. More emphasis is put on mental health and the culture, at least where he works, has shifted from a ‘cowboy up’ mindset to ‘take care of yourself, so you can take care of others’ mindset.

There was no work life balance, but I mean it was you were in you were all in I mean I don't mean that to say that native way but as I said, I was taught, it was cowboy there's no crying in baseball right that happens, or what you did what you needed to do work as many hours as you can . . . every time you go to court . . . [it's] just an immense amount of responsibility that you have. You have to make it work.

He noted there is a difference, however, now in the way that these attorneys are discussing and taking care of their mental, emotional, and physical wellbeing. He recalled that his post work ritual in the early part of his career included going to a dive bar. Now, things are a little different, “I do think there's a lot more discussion about, ‘I need blank spaces on my calendar,’ and ‘I gotta, you know, I gotta go to yoga.’”

Closing arguments: Choosing the hard path

Based on the data analyzed in this study, it appears that the most salient structure that influences an individual attorney's decision to pursue the practice of indigent criminal defense is the justice system itself. Where, when, and why each of these attorneys experienced the justice system firsthand seemed to have the most impact on how the individual narrated her/his personal motivations and justifications for pursuing their professional project. Whether the individual was searching for more meaning in their work, unsure where they should be going, or intentionally seeking out this practice, all attorneys in this study unequivocally expressed satisfaction with their work. Sustainability, however, is a more difficult question to answer and appears to be highly context specific. Depending on the context of practice, an attorney may have more or less autonomy, resources, and support. Based on the data in this study, the individual attorney's financial situation, in particular, may weigh heavily in the decision to initially pursue and continue to practice indigent criminal defense. Finally, mental health support, resources, and access for attorneys in these positions is essential to keeping the most talented and passionate attorneys in this area of practice.

CHAPTER V

DISCUSSION AND CONCLUSION

The intention of this study was to begin to fill a gap in the professions and institutional theory literature by studying professional agents' personal histories, motivations, and justifications to pursue a common professional project from a bottom-up rather than top-down approach (Seo & Creed, 2002; Suddaby, et al., 2016). This study employs the critical realist perspective allowing for the expansion of the definition of social structure and the theoretical separation between the agent and the social structures they encounter (Archer, 2003; Danermark, et al., 2002). Why professional agents choose to enter their professions, i.e. become institutional actors, is examined here.

Organizational scholars have called for more attention to the agentic and reflexive micro-processes of the creation, maintenance, and disruption of institutions by taking consideration of the individual agents, especially professionals, who act and work within institutions (Kahn, 2018; Seo & Creed, 2002; Suddaby, 2010; Suddaby, et al., 2016). In order to give voice to motivations and justifications for pursuing this profession, I utilized Archer's (2003) modes of reflexivity as a way to decipher and characterize professional autobiographical accounts of the motivations and justifications for the practice of indigent criminal defense law from indigent criminal defense lawyers.

To the author's knowledge, this is the first study in the management literature to ask a group of public service professionals why they do what they do in the context

of their social positioning and personal histories. Although researchers have studied the professions and professionals for decades, a fundamental question remained unanswered, “Why do you do it?” Simultaneously, organizational literature tells us that the professionals working in public service organizations are essential for a functioning democracy (Sewell, 1992). This study contributes to the professions and institutional literature by asking a group of highly educated and reflexive professionals (Bévort & Suddaby, 2016) why they chose such a difficult professional path—indigent criminal defense law.

This study seeks to lay the foundation for a new stream of research that explicitly explores professionals and professional practices that directly contribute to the perpetuation of a functioning democracy within the organizational literature. The purpose of this study is to give voice to the professionals that our literature has historically revered but have remained understudied as independent agents with the ability to reflect upon, resist, accept, or work to change institutions that they encounter and experience (Kahn, 2018; Seo & Creed, 2002; Wright, et al., 2017).

This study contributes to the reflexivity and agency literature by identifying and characterizing the modes of reflexivity expressed through the narratives of a group of highly articulate and educated professionals on why they pursued a common professional project (Archer, 2003; Cardinale, 2018; Wright Mills, 1940). Further, this study contributes to and elaborates on Cardinale’s (2018) concepts of protention and social positioning as a dynamic and orienting process for agents. Attorneys in this sample came from varying and diverse socioeconomic, geographical, political, and

familial backgrounds. Thus, based on the data in this study, protention rather than social positioning, *per se*, appeared to have played a larger role in the decisions of the attorneys in this study to pursue indigent criminal defense as a professional project.

Modes of reflexivity and professional motivation

The findings in this study generally align with Archer's (2003) findings related to the modes of reflexivity that can be deduced from the externalization of the internal conversation by independent and subjective agents. The narratives employed by the professionals in this study were predominately meta-reflexive in nature although autonomous narratives were also highly utilized by the participants. Communicative reflexivity as Archer (2003) describes it was displayed the least among this group of individuals when describing their personal motivations and concerns that are addressed by practicing indigent criminal defense law. Interestingly, this group of professionals linguistically move between autonomous and meta-reflexivity with ease. Archer (2003) found that all individuals in her studies used all three dominant reflexivity narrative modes through the externalization of their internal conversation. Individual narrators overall favored one mode over the other. The same results are seen here and generally confirm Archer's (2003) findings. The findings in this study also offer the opportunity to expand and refine Archer's (2003) modes of reflexivity.

Meta-reflexive motivations and satisfaction

For many of the attorneys in this study, entry into the profession of indigent criminal defense was not part of the plan. Rather, many of the individuals in this study

described their post college and post law school plans and intentions as uncertain. They describe searching, uncertainty, disillusionment with other areas of legal practice, and sometimes pure desperation. Many of them flat out rejected the idea that criminal law was in their future indicating that their protention or experiences before entering the profession did not naturally lead them to consider criminal law as a natural or desired path for who they thought they were or wanted to be (Cardinale, 2018). This is a characteristic of meta-reflexivity according to Archer (2003). The difficulty with dovetailing one's concerns with the formulation of a professional project was something many attorneys in this sample described experiencing.

Then, everything changed. After a clinic, internship, or needing a job, any job, and witnessing the inner workings of the justice system they were no longer searching. They found their place, at least temporarily, in their profession and community. After their experience, a more autonomous and intentional narrative emerged from these participants. These experiences, although jarring for the individual, were described as the pivotal experience that changed their personal trajectories and gave them purpose.

The narratives of these professionals can leave little doubt that they are members of a caring profession and display meta-reflexivity through their motivation narratives in alignment with Archer's (2003) findings. Many of them describe that they care very much for their clients. They also describe their firm convictions and belief in the constitution and the rule of law as it is written, not as it is practice, in the United States.

When describing their satisfaction and motivation for continuing to practice indigent criminal defense, all but a few attorneys in this sample narrated their personal motivations and justifications with notions of normativity and idealism. According to Archer (2003) these findings indicate a dominant mode of meta-reflexivity in the motivation and satisfaction narratives of the participants in this professional practice area (Archer, 2003). What keeps them going to work is not the money. Their descriptions of the constraints that pay can present to the individual is well documented in this study. They do not keep showing up to be recognized or win awards. As they have discussed, they perceive that the majority of the population does not recognize or know what they actually do for their communities. Rather, the dominant narratives of motivation and satisfaction revolved around macro social issues like overincarceration, the police state, socioeconomics, and racism. To dovetail these concerns can be a challenge because they are so beyond the scope of the individual attorney. Several attorneys in this study describe burnout and feeling completely drained by the daily practice and the personal toll it can take. Even winning can lose its meaning because after a win there are just more cases. Questions and narratives of sustainability as opposed to satisfaction do not display the same linguistic characteristics and are framed in much more autonomous terms discussed in detail below.

Autonomous motivations, satisfaction, and sustainability

The attorneys in this study that either had an early negative encounter with the justice system or those that took an early interest in notions of justice, equality,

freedom, and politics primarily utilized an autonomous narrative mode to describe their entry into the profession. Unlike meta-reflexive narratives of uncertainty and doubt, the narratives used by this group of attorneys was one of intention to acquire technical knowledge to produce measurable outcomes and results for their clients.

Autonomous narrative modes were especially used by this group of attorneys as a way to justify their personal actions and goals to address their meta-reflexive concerns. That is, narratives utilizing language indicating an autonomous mode of reflexivity among these professionals were presented against a backdrop of normative and idealistic concerns. The attorneys in this group described the means of achieving their professional goals in autonomous reflexive terms. Their intended ends, however, are described in meta-reflexive terms and goals. Based on the data in this study, it seems that macro social and systemic concerns for fairness, freedom, equality, and the constitution set the stage for the autonomous narrative. By extension, these agents describe being enabled by their experience to form an intentional plan that allowed them to more easily dovetail their ultimate concerns into the professional project of indigent criminal defense.

According to Archer (2003), autonomous reflexivity can be identified by narratives that center around the importance and ultimate value of an individual's work. This can cause the individual to suffer physically, emotionally, and mentally (Archer, 2003). Plus, a focus on work framed in autonomous narratives can be detrimental to the individual's interpersonal relationships (Archer, 2003). The data in this study supports this inference.

Some of the participants acknowledged that their work is unhealthy. That they expend a tremendous amount of energy and time on their work to the detriment of themselves and their relationships. They also exhibit their autonomous mode of reflexivity through their general repeated sentiments that they do not care about what others think about their work. The phrase, “fuck that” is repeated over and over in this data sample in reference to outside perceptions or constraints they have encountered on their path to pursuing their chosen area of practice. Additionally, this group of professionals are self-professed agents of change. This also aligns with Archer’s (2003) theory. They want to change the way people are perceived by the public when they are accused of a crime. They want to change how prosecutors and police do their jobs and answer for their actions. And many of them want to change the lives of their clients and stand in as someone who cares when nobody else has in the past. When the individuals in this study experienced the justice system firsthand, the inability to dovetail their concerns with their professional practice was assuaged—at least temporarily. That was found to be the case for all of the individuals and narratives analyzed here.

Autonomous narrative modes were also present in the satisfaction narratives of the attorneys in this study. The concrete outcomes of sticking it to the man, messing with cops’ days, holding the government accountable, and watching a client walk free out of a courtroom make this job satisfying. These narratives were shared by primarily meta- and autonomous narrators. The participants in this study overwhelmingly agree that the practice of indigent criminal defense is satisfying.

Sustainability narratives took on a slightly different character, however. Narratives about sustainability consisted of more autonomous than meta-reflexive characteristics. This is no surprise because sustainability is arguably a more subjective concept than satisfaction based on this data for this group of professionals. That is, sustainability depends more on the subjective context of the individual—the constraints they perceive and experience like financial hardship, specific challenges within the office/system they work in, or the personal goals they want to achieve but cannot do so in the indigent criminal defense context.

Communicative narratives: Birds of a feather

The least utilized narrative mode identified in the data was communicative reflexivity. When communicative reflexive narratives were used by the attorneys in this study, it was primarily to describe the value and indispensability of their interpersonal relationships with their coworkers (other public defenders), not their nuclear families. This is a point of divergence in the findings of this study and that of Archer (2003). The practice of indigent defense is described by these professionals as personally consuming in many ways. They have demanding schedules and deal with difficult issues daily. They describe how they rely on each other to get through their experiences and discuss very little about their home lives or personal relationships when describing their motivations to practice indigent criminal defense. These professionals explain that they do not believe that anybody can know what they go through professionally or personally unless they have been through it, too.

Emergence of a causal structure

Sewell (1992) theorized that social structures emerge in the perceptions and consciousness of individuals through their experiences. The perceived power of any one particular social structure on the individual depends on the individual's position in space, time, and society. When social structures emerge, they are evaluated by the individual based on their subjective positioning, values, and goals (Archer, 2003; Emirbrayer & Mische, 1998). Social structures have potential causal powers and potential to move agents. The American criminal justice system itself is identified by these participants as the social structure that caused them, as agents, to pursue their particular career.

The attorneys in this study consistently described their firsthand experience of the American criminal justice system that led them to pursue a common professional project of indigent criminal defense. This data revealed that the relationship between an individual's original perceptions of a particular social structure—in this case, the criminal justice system—and experiencing its realities firsthand is what the participants in this study described as the experience that justified, and continues to justify, their motivations for practicing indigent criminal defense. Social positioning for the participants in this sample seemed to affect when and how an individual came to know the justice system personally. The effect that the participants describe feeling following this experience, however, was shared amongst these participants no matter where they began their individual journeys. They all found their work to be highly satisfying and valuable.

The way the attorneys in this study generally described their “baptism” into the realities of the criminal justice system is interpreted here as an expanded definition of what Archer (2003) would describe as a contextual discontinuity in their search for a satisfying and sustainable *modus vivendi*. Archer (2003) theorized that an individual’s most pressing concerns—the drivers of their pursuit of life projects like a career—are developed through experiences based on an individual’s initial social positioning and personal intentions. One of the prominent distinguishing factors between the modes of reflexivity proposed by Archer (2003) and the present findings concerned the experience of contextual discontinuity—abrupt changes in the context of the individual over the course of their life. According to Archer (2003), a contextual discontinuity in an individual’s experiences most often resulted in the use of narratives characterized by the meta-reflexive and autonomous modes of reflexivity, but not communicative reflexivity. Communicative reflexivity is the mode of reflexivity that is characterized by stability and seeking out ways to maintain stability (Archer, 2003). This can be geographic stability, and most importantly, interpersonal relationship stability.

The data in this study confirms Archer’s (2003) theory but expands it to consider contextual discontinuities that are not only geographic or interpersonal in nature, but experiential or philosophical in nature. Where Archer (2003) emphasized the role of geographic and familial discontinuities as a source for the use of predominately autonomous or meta-reflexive internal conversation narratives in the general population that she studied, this study emphasizes a fundamental discontinuity

of ideas within an individual—a philosophical crisis. Here, what is represented is a juxtaposition to what one believes is real versus what one experiences as real. The discontinuity revealed in this data appears to reside within the agent, not the physical or relational surroundings of that agent. This experience of discontinuity appeared to create a chasm between the schemes the individuals had developed, that contributed to their original protention, and new schemes created through the experience of the justice system that changed the very nature of their entire professional biographical narrative and personal intentions (Cardinale, 2018).

New experiences, new protention schemes

Cardinale (2018) proposed that individuals develop schemes through their life experiences and social positioning known as protention. This is a “pre-reflexive engagement with structure” (Cardinale, 2018, p. 136). Protention guides individuals to take some courses of action over others almost instinctually. These “courses of action appear as self-evident” (p. 136). How a person develops their protention and their definitions of what is “subjectively good,” (Archer, 2003, p. 9) has been an underdeveloped area of inquiry (Cardinale, 2018). The data in this sample provides some insight into this ripe area of research in professions and professional practice.

This study contributes to the reflexivity, agency, and protention literature by identifying common narratives that reveal an underlying perceived self-evident course of action that these attorneys eventually came to share with each other—to practice indigent criminal defense. Evidence of protention in the analyzed narratives were expressed through notions of what was or was not possible, conceivable, or

subjectively good for the individuals and their professional futures at different points in time. How those narratives changed after a significant personal experience with the justice system demonstrated a shift or evolution in the individual's protection and perceptions of their position within society.

Additional evidence of protection that this study illuminates is within attorneys' narratives of a default way of being that included standing up for vulnerable others or the "underdogs." The participants attributed this default mode of thinking to a variety of sources: their parents, their religion, their education, and their personal experiences. These experiences can range from the seemingly mundane, like a school party, to the undeniably traumatic, like being falsely accused of a crime, being incarcerated, or witnessing or experiencing police or prosecutorial misconduct. Future studies should consider and explore how other institutional actors utilize the same protection narratives of standing up for vulnerable others to justify other types of professional projects but in a divergent manner. For example, prosecutors and judges would be a particularly interesting population to consider as they share the same institutional space with indigent criminal defense attorneys but are adversaries in the institutional arena.

Institutional myth busting

Law is a profession that normatively fulfills the institution of justice (Freidson, 2001). As the data in this study indicates, however, that was not the experience of the vast majority of the participants in this study. In order to survive, institutions require social acceptance or legitimacy by society (Friedland & Alford, 1991; Mutch, 2018).

Members of professions can be “highly institutionalized and generally highly conscious and articulate about their position in society” (Bèvort & Suddaby, 2016). Professionals that are highly institutionalized through their education, training, membership in trade associations, and practice area have been found to be able to better identify and articulate the rules, regulations, norms, or laws that guide their practice (Bèvort & Suddaby, 2016; Greenwood, et al., 2002; Suddaby, et al., 2016).

The participants in this study described that their perspective was shifted away from their traditional thinking once they experienced the criminal justice system. Their awareness was attuned to what has been termed an institutional myth in the organizational literature (DiMaggio & Powell, 1993; Meyer & Rowan, 1977; Zilber, 2006). This data can begin to unpack some of the microprocesses of institutional actors when they experience or perceive that an institution, or the value it allegedly rests upon, is a myth (Hallett, 2010; Meyer & Rowan, 1977). Zilber (2006) notes that institutional myths as bases of value in institutional perpetuation and institutional work can be called many things in the organization literature:

Apart from “rational myths,” closely related concepts abound in the literature, among them “institutional logics” (Friedland & Alford, 1991; Thornton & Ocasio, 1999), “legitimizing accounts” (Creed et al., 2002), “rationalities” or “institutional myths” (Townley, 2002), “linguistic framing” (Hirsch, 1986), “analogies” (Davis, Diekmann, & Tinsley, 1994), “management rhetoric” or “rationales” (Kelly & Dobbin, 1998), and “theorizing” (Greenwood, Suddaby, & Hinings, 2002; Strang & Meyer, 1993) (p. 282, footnote 1).

Although the vocabulary in the literature is far from consistent, the idea that institutional legitimacy is inherently based on widely shared and taken-for-granted social values is not contested in the literature (Friedland & Alford, 1991; DiMaggio &

Powell, 1983; Meyer & Rowan, 1997; Scott, 1995). This value has been termed institutional substance (Friedland & Arjaliès, 2019; Weik, 2019; Mutch, 2018).

In this study, participants appeared to have previously believed the institutional myths and underlying institutional substance of the justice system: the process and system is fair, we jail bad people to protect good people, and police, prosecutors, and judges can be trusted to do the just, legal, or normatively right thing. These ideas are reinforced through legal training. Theoretical or case-based classes in criminal law, criminal procedure, and evidence paint a picture of rules, limitations on government power, and checks and balances built into the system. A student of the law cannot be blamed for thinking that the system really is working. Once these individuals were in a position to examine the institutional myths, logics, or justifications for the role of the criminal justice system in reference to a personal experience, their suppositions were changed. When this occurred, these individuals spoke of reexamining their previous assumptions—or protection schemes. They took what they had learned through personal experience and combined it with the technical knowledge, tools, and resources they acquired during their legal training. This process occurred at various times in the participants' lives. Ultimately, all of these independent and subjective paths and experiences led these individuals to the same professional destination. The combination of experiencing a social structure and acquiring the tools and resources to interpret and perceive the social structure past its institutionalized mythology, appeared to enable these agents to develop new protection schemes, and how they see and interpret the world around them and their place in it.

The new schemes developed by these attorneys were characterized by reflections on their philosophical divergence from their initial upbringing or values. This is a strong indication of autonomous and meta-reflexivity: the desire to change one's future social positioning from that of their past (Archer, 2003). This scheme was unlike the scheme(s) that they entered into this initial experience with. Previous schemes were admittedly a source of constraint in joining this profession as described through the narratives of the attorneys who explained that initially they never wanted to practice any form of criminal law.

The individuals in this sample describe their initial shock and disorientation when they came face to face with the mechanics and daily workings of the criminal justice system (Cardinale, 2018). What they believed was happening, was not happening. Justice, as they had been taught in theoretical and case study terms (at arm's length in a classroom), was not happening in city, county, and state courts that they experienced. The participants in this study described feelings of betrayal, anger, indignation, and hurt when they recount their experiences with the criminal justice system. It is no surprise that the social structure of the criminal justice system itself has this power over individual attorneys in the United States. America incarcerates more of its citizens than any other country in the world (Wagner & Sawyer, 2018). The proliferation of video evidence of police misconduct, brutality, and murder and the rise of Black Lives Matter has shifted the national conversation about policing and criminal justice reform in recent years. Yet, the common public social narrative

remains that the United States is the freest country on the planet. These two ideas cannot coexist rationally.

The findings in this study can begin to illuminate some of the sources for the development of schemes that led the individuals in this study to describe feeling like it was an obvious choice to practice indigent criminal defense law after witnessing the justice system firsthand (Cardinale, 2018). Theoretically, this opens the door for further inquiry into deeper notions of protention and subjective experiences that appear to move institutional and independent agents. The data in this study seem to suggest that when someone experiences a social structure that diverges dramatically from the normative or uninformed schemes that underpin an individual's protention and conceived potential personal projects, the experience itself can prompt a shift in an individual's protention, agentic stance, future career, and possibly even their entire identity. These are topics for future inquiry.

Experiencing the justice system firsthand had the effect of enabling wandering narrators, those that "fell into" this profession, to define their professional path and create a plan of action. That is, they were enabled as agents by the social structure and constraints within it (Archer, 2003; Cardinale, 2018). For those that had an early negative experience with the justice system, it set them on a course and enabled them to feel a sense of doing their part to fight back against a system that they felt harmed them in some way. They then embarked on a path to acquire professional skills and knowledge to minimize similar harm to others. Even the trial technicians spoke of finding a larger purpose through their intentional path to becoming a trial attorney.

This is evidenced by these professionals' general agreement that after seeing what happens on the defense side of the bar, they would never become prosecutors. This area of practice, it seems, has something valuable to offer to many different types of attorneys with a wide range of values, concerns, and personal goals. It's impact, however, resonates with almost all of them as evidenced by the narratives analyzed for this study.

Increasing our understanding of this form of protection can enable researchers to develop practical training and educational resources to foster these ideals in our society as well as recruit and retain future professional public servants. Possible sources of untapped potential could theoretically lie in populations of individuals who by virtue of their social positioning have frequent and negative encounters with law enforcement.

Further, the participants in this study described that they were generally unaware of the existence of public defenders until they began law school. This was especially true if they did not have an early encounter with the justice system. Early education and knowledge about this career path and practice specialty should not be a closely held secret as it is undeniably perceived by its inhabitants as overwhelmingly satisfying. Outreach and community education about possible career opportunities or paths that are personal and can aid an individual in coping and changing the very thing that has left them feeling victimized and hopeless could save innumerable lives.

Debt penalty

It is imperative to note the financial difficulty many young professionals are balancing in America and the toll that student debt has taken on the lives of the professionals in this study and countless others just like them. Educational debt is not a widely discussed area of research or topic of conversation in the organizational and management literature. However, it is imperative that we give recognition to the realities and structural constraints that many of our research participants and subjects are experiencing in the modern American workforce. Research ranging in topics from job satisfaction and sustainability, professional aspirations, motivations, and self-efficacy are just a few areas of research whose general theoretical perspectives may be missing an integral piece—the individuals' financial or debt contexts and situations. To presume that this is not a relevant issue in these areas as related to modern work performed by college educated professionals, leaves our research vulnerable to insurmountable theoretical gaps.

As Cardinale (2018) points out that for the vast majority of people “[s]ocial structure precludes the possibilities of making a living without working” (Cardinale, 2018, p. 136). Conceptions of work and personal value and fulfillment from work are undercut when an individual carries a significant student debt balance. This is evidenced in the findings of this study. Based on the narratives in this study, the following metaphor was developed to communicate the overall experience of incurring and managing student debt.

Think of yourself as a cell phone that is manufactured and powered on the day you are born. Over the course of your life, you acquire a certain suite of apps that

reflect your values, beliefs, and pursuits. You gather information like contacts, social connections, and visual media. Some of your apps and programs make your life better, while others drain your attention and mental health. Living and working with student debt is like an app that constantly runs in the background. You cannot stop or uninstall this app and it drains your battery. Student debt is like the bloatware of these professionals' lives. This group of professionals is among the mostly highly indebted groups of professionals in the United States. According to a study performed on behalf of the American Bar Association's Young Lawyer Division, on average law school graduates in the United States complete their juris doctorates with an average student debt balance of \$164,742 (Accesslex Institute, 2021). According to the same study, 95.24% of all law school graduates take on student debt to complete their legal education (Accesslex Institute, 2021).

From a social positioning perspective, one participant in this study expressed that incurring student debt at such an extreme level just to acquire an education felt like she was being punished because she became a professional and dared to exceed her original socioeconomic limits. Although this statement is anecdotal, other participants described how student debt has been a foundational and commonly shared concern when they have had to make personal and professional decisions. At least one participant in this study has managed their career and an ever-growing student loan balance for over 25 years.

One common goal of the indebted interview participants in this study that sought out work in indigent defense work was to take advantage of the U.S.

government's public service loan forgiveness program (PSLF). This program allows for the total discharge of a student's debt balance after the debtor pays 120 qualifying monthly payments (or 10 years minimum). Unfortunately, no attorneys in the sample have qualified for that program yet, even the individual that has been in public practice for almost a quarter of a century. Some could not sustain their work, low pay, and debt burden and had to leave the practice of indigent criminal defense. These individuals are not special or extraordinary. In fact, over 99% of applicants for PSLF have been denied relief (Hess, 2021). Future research investigating the professions and professional practice should explicitly consider the numerous effects on the individual, their work, their community, and their perceptions of their position and personal values within this context. Scholars should consider the larger ramifications or implications for the maintenance of a functioning democracy, a healthy population, and an educated citizenry when student debt, low wages, and professional practice meet as they do in this research context.

Suddaby (2010) notes that institutional theorists have demonstrated that "when actors deviate from their socially prescribed roles, they suffer economic penalties." Further inquiry into whether student debt, structurally, serves as a penalty especially for those that pursue professional work that is not driven by personal economic returns for the individual.

Conclusion

Why do some attorneys choose the hard path and pursue the practice of indigent criminal defense? The overwhelming majority of the stories they tell are of

empathy, advocacy, and protecting vulnerable others. Whether they stumbled upon it or sought it out intentionally, this group of professionals finds their work to be highly satisfying. The tribal nature of the relationships they have with each other makes co-workers feel like family members. Helping others on their darkest days within a system that these professionals describe as inherently predatory and unfair, is highly satisfying to these attorneys. Future research should explore how to create indigent criminal defense organizations that can provide the personal and professional resources to its attorneys to recruit and retain them in this practice area. Further, firsthand experiential training and early exposure to the criminal justice system for students well before entering law school would also likely yield an increased interest in pursuing this professional path. Programs that target troubled youth for a career in indigent defense should be explored and considered as a way to recruit and retain passionate attorneys. Finally, in order to train and retain high-quality indigent criminal defense attorneys, legislatures and communities should invest in increased resources and tools for these dedicated public servants to alleviate their educational debt burdens and remain in public service.

REFERENCES

- Abbott, A. (1988). *The system of professions: An essay on the division of expert labor*. Chicago, IL: University of Chicago Press.
- Accesslex Institute (2021). *2020 Law school student loan debt*. American Bar Association Young Lawyers Division. https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/2020-student-loan-survey.pdf
- Archer, M. (2003). *Structure, agency, and the internal conversation*. Cambridge: Cambridge University Press.
- Archer, M. (2007). *Making our way through the world: Human reflexivity and social mobility*. Cambridge: Cambridge University Press.
- Archer, M., Bhaskar, R., Collier, A., Lawson, T., & Norrie, A. (1998). General introduction. In M. Archer, R. Bhaskar, A. Collier, T. Lawson, & A. Norrie (Eds.), *Critical realism: Essential readings* (pp. ix–xxiv). London: Routledge.
- Ashraf, N., Bandiera, O., & Lee, S. S. (2014). Do-gooders and go-getters: career incentives, selection, and performance in public service delivery. Working Paper. London School of Economics. <https://www.lse.ac.uk/marshall-institute/assets/Documents/Publications/dogoodersgogetters.pdf>
- Bévort, F., & Suddaby, R. (2016) Scripting professional identities: How individuals make sense of contradictory institutional logics. *Journal of Professions and Organization*, 3(1), 17–38.
- Brint, S. (1994). *The changing role of professionals in public life*. Princeton, NJ: Princeton University Press.
- Bunderson, J. S., & Thompson, J. A. (2009). The call of the wild: Zookeepers, callings, and the double-edged sword of deeply meaningful work. *Administrative Science Quarterly*, 54(1), 32-57.
- Camilleri, E. (2007). Antecedents affecting public service motivation. *Personnel Review*, 36(3), 356-377.

- Cardinale, I. (2018). Beyond constraining and enabling: Toward new microfoundations for institutional theory. *Academy of Management Review*, 43(1), 132-155.
- Creswell, J. (1998). *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, CA: Sage.
- Creswell, J. W. (1994). *Research design: qualitative & quantitative approaches*. Thousand Oaks, California: Sage.
- Crewson, P. E. (1997). Public-service motivation: Building empirical evidence of incidence and effect. *Journal of Public Administration Research and Theory*, 7(4), 499-518.
- Crossley, M. L., & Mubarik, A. (2002). A comparative investigation of dental and medical student's motivation towards career choice. *British Dental Journal*, 193(8), 471-473.
- Danermark, B., Ekström, M., Jakobsen, L., & Karlsson, J. C. (2002). *Explaining society: An introduction to critical realism in the social sciences*. London: Routledge.
- Delbridge, R., & Edwards, T. (2013). Inhabiting institutions: Critical realist refinements to understanding institutional complexity and change. *Organization Studies*, 34(7), 927-947.
- DiMaggio, P., & Powell, W.W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48, 147-160.
- Emirbayer, M., & Mische, A. (1998). What is agency? *The American Journal of Sociology*, 103(4), 962- 1023.
- Fassinger, R. E. (1990). Causal models of career choice in two samples of college women. *Journal of Vocational Behavior*, 36(2), 225-248.

Fletcher, A. (2017). Applying critical realism in qualitative research: methodology meets method. *International Journal of Social Research Methodology*, 20(2), 181-194.

Freidson, E. (2001). *Professionalism: The third logic*. Cambridge: Polity Press.

Friedland, R., & Alford, R. (1991). Bringing society back in: Symbols, practices, and institutional contradictions. In W. Powell & P. DiMaggio (Eds.). *The New Institutionalism in Organizational Analysis*, p. 232-266. Chicago: University of Chicago Press.

Friedland, R., & Arjaliès, D. (June 11, 2019). X-Institutional logics: Out or in? Available at
SRN: <https://ssrn.com/abstract=3403131> or <http://dx.doi.org/10.2139/ssrn.3403131>

Gideon v. Wainwright, 372 U.S. 335 (1963).

Gioia, D. A., Corley, K. G., & Hamilton, A. L. (2013). Seeking qualitative rigor in inductive research: Notes on the Gioia methodology. *Organizational research methods*, 16(1), 15-31.

Glaser, B. G., & Strauss, A. (1967). *The discovery of grounded theory: Strategies for qualitative research*. Chicago, IL: Aldine.

Godwin, A., Potvin, G., Hazari, Z., & Lock, R. (2016). Identity, critical agency, and engineering: An affective model for predicting engineering as a career choice. *Journal of Engineering Education*, 105(2), 312-340.

Greenwood, R., & Suddaby, R. (2006). Institutional entrepreneurship in mature fields: The Big Five accounting firms. *Academy of Management Journal*, 40(1), 27-48.

Greenwood, R., Suddaby, R., & Hinings, C. R. (2002). Theorizing change: The role of professional associations in the transformation of institutionalized fields. *Academy of Management Journal*, 45(1), 58-80.

- Hackett, G., & Betz, N. E. (1995). Self-efficacy and career choice and development. In *Self-efficacy, adaptation, and adjustment* (pp. 249-280). Springer: Boston, MA.
- Hallett, T. (2010). The Myth Incarnate: Recoupling Processes, Turmoil, and Inhabited Institutions in an Urban Elementary School. *American Sociological Review*, 75(1), 52–74.
- Hess, A. (2021, March 24). *The U.S. already has student debt forgiveness-but barely anyone gets it*. CNBC. <https://www.cnbc.com/2021/03/23/the-us-already-has-student-debt-forgiveness-but-barely-anyone-gets-it.html>.
- Khan, P. (2018). Renewing the professions by attending to structural influences on reflexivity: A critical realist perspective. *Journal of Professions and Organizations*, 5, 139-154.
- Lawrence, T., Suddaby, R., & Leca, B. (2011). Institutional work: Refocusing institutional studies of organization. *Journal of Management Inquiry*, 20, 52-58.
- Leicht, K. T. (2016). Market fundamentalism, cultural fragmentation, post-modern skepticism, and the future of professional work. *Journal of Professions and Organization*, 3(1), 103-117.
- Leicht, K. T., & Fennell, M. L. (2008). Institutionalism and the Professions. In *The Sage handbook of organizational institutionalism*. R. Greenwood, C. Oliver, K. Sahlin, & R. Suddaby (Eds.), p. 431-448, Thousand Oaks, CA: Sage.
- Leicht, K., & Lyman, E. C. (2006). Markets, Institutions, and the Crisis of Professional Practice. *Research in the Sociology of Organizations*, 24, 17–44.
- Lent, R. W., Brown, S. D., & Hackett, G. (2000). Contextual supports and barriers to career choice: A social cognitive analysis. *Journal of Counseling Psychology*, 47(1), 36-49.

- Lent, R. W., Brown, S. D., Talleyrand, R., McPartland, E. B., Davis, T., Chopra, S. B., & Chai, C. M. (2002). Career choice barriers, supports, and coping strategies: College students' experiences. *Journal of Vocational Behavior*, 60(1), 61-72.
- McCracken, G. (1988). The four-step method of inquiry. In G. McCracken, *The long interview*, p. 29-48. Newbury Park, CA: Sage
- McPherson, C., & Sauder, M. (2013). Logics in action: Managing institutional complexity in a drug court. *Administrative Science Quarterly*, 58(2), 165-196.
- Meyer, J. W., & Rowan, B. (1977). Institutionalized organizations: Formal structure as myth and ceremony. *American Journal of Sociology*, 83(2), 340-363.
- Mutch, A. (2007). Reflexivity and the institutional entrepreneur: A historical exploration. *Organization studies*, 28(7), 1123-1140.
- Mutch, A. (2018). Practice, substance, and history: Reframing institutional logics. *Academy of Management Review*, 43(2), 242-258.
- Muzio, D., Brock, D. M., & Suddaby, R. (2013). Professions and institutional change: Towards an institutionalist sociology of the professions. *Journal of Management Studies*, 50(5), 699–721.
- Ng, E. S., & Gossett, C. W. (2013). Career choice in Canadian public service: An exploration of fit with the millennial generation. *Public Personnel Management*, 42(3), 337-358.
- Qu, S.Q., & Dumay, J. (2011). The qualitative research interview. *Qualitative Research in Accounting & Management*, 8(3), 238-264.
- Scott, R. (2008). Lords of the dance: Professionals as institutional agents. *Organization Studies*, 29(2), 219-238.
- Scott, W. (1995). *Institutions and organizations*. Thousand Oaks, CA: Sage.

- Seo, M. G., & Creed, W. D. (2002). Institutional contradictions, praxis, and institutional change: A dialectical perspective. *Academy of management Review*, 27(2), 222-247.
- Sewell Jr, W. (1992). A theory of structure: Duality, agency, and transformation. *American Journal of Sociology*, 98(1), 1-29.
- Strauss, A. L., & Corbin, J. M. (1990). *Basics of qualitative research*. Thousand Oaks, CA: Sage.
- Strauss, A., & Corbin, J. (1994). Grounded theory methodology. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research*, p. 273–285. Thousand Oaks, CA: Sage.
- Stolorow, R. (2015). A phenomenological-contextual, existential, and ethical perspective on emotional trauma. *Psychoanalytic Review*, 102(2), 123-138.
- Suddaby, R. (2010). Challenges for institutional theory. *Journal of management inquiry*, 19(1), 14-20.
- Suddaby, R., Viale, T., & Gendron, Y. (2016). Reflexivity: The role of embedded social position and entrepreneurial social skill in processes of field level change. *Research in Organizational Behavior*, 36, 225-245.
- Thornton, P. H., Ocasio, W., & Lounsbury, M. (2012). *The institutional logics perspective: Foundations, research, and theoretical elaboration*. Oxford University Press.
- Thornton, P., & Ocasio, W. (1999). Institutional logics and the historical contingency of power in organizations: Executive succession in the higher education publishing industry, 1958-1990. *The American Journal of Sociology*, 105(3), 801-843.
- Wagner, P., & Sawyer, W. (June 2018). *States of Incarceration: The Global Context 2018*. Prison Policy Initiative. Available at <https://www.prisonpolicy.org/global/2018.html>

- Weik, E. (2019). Understanding institutional endurance: The role of dynamic form, harmony, and rhythm in institutions. *Academy of Management Review*, *44*(2), 321-335.
- Weresh, M. (2013). The Chicken or the Egg-Public Service Orientation and Lawyer Well-Being. *UALR L. Rev.*, *36*, 463.
- Woodside, A. G., & Wilson, E. J. (1995). Applying the long interview in direct marketing research. *Journal of Direct Marketing*, *9*(1), 37-55.
- Wright, A., Zammuto, R., & Liesch, P. (2017). Maintaining the values of a profession: Institutional work and moral emotions in the emergency department. *Academy of Management Journal*, *60*(1), 200-237.
- Wright, B. E., & Christensen, R. K. (2010). Public service motivation: A test of the job attraction–selection–attrition model. *International Public Management Journal*, *13*(2), 155-176.
- Wright Mills, C. (1940). Situated actions and vocabularies of motive. *American Sociological Review*, *5*(6), 904-913.
- Zilber, T. B. (2006). The work of the symbolic in institutional processes: Translations of rational myths in Israeli high tech. *Academy of Management Journal*, *49*(2), 281-303.

APPENDICES

A. INTERVIEW PROTOCOL

Demographic questions:

Age:

Place of birth:

Other places lived:

Spouse:

Children:

Undergraduate institution:

Undergraduate major:

Law school:

Year graduated:

Years practicing:

Years of indigent criminal defense work:

Student debt initial balance:

Student debt current balance:

Grand Tour Questions:

Tell me about your past? Where did you grow up what was your childhood like?

What did your parents do for a living?

Did your parents attend college?

Why did you attend college?

Why did you choose your college major?

When did you decide to go to law school?

Why did you decide to go to law school? How did you pay for your education?

Tell me about your law school experiences.

What was your first job out of law school?

Why did you take that first job?

How did you begin working in indigent criminal defense? What were the circumstances that surrounded your decision to enter this area of practice?

Tell me a little about your criminal defense experience. What kind of cases have you had? What kind of indigent systems have you worked in?

More specific:

At any time, would you have considered becoming a State or District Attorney? Why or why not?

What are your personal motivations for practicing indigent criminal defense?

Why do you keep showing up every day?

Do you find this area of practice satisfying? Explain.

Do you find this area of practice sustainable? If yes, under what circumstances. If no, under what circumstances?

What are your greatest concerns about the indigent criminal defense system in the United States?

What would make this area of practice better?

Other:

How do you cope with the stress of your practice area?

What impact have student loans had on your professional and personal life?

B. INTERVIEW ACKNOWLEDGEMENT FORM

What is this project studying?

We are studying the backgrounds, experiences, and perceptions of American indigent criminal defense attorneys. Specifically, we are interested in what led individual attorneys to enter the legal profession initially and practice indigent criminal defense law subsequently. Ultimately, our goal is to understand the context and experiences of individual attorneys and whether practicing as an indigent criminal defense attorney in the United States justice system is a satisfying and sustainable area of practice. We hope to understand the challenges and motivations to practice indigent criminal defense law in the United States in order to explore possible ways to better retain and recruit motivated and talented attorneys in this constitutionally indispensable area of practice.

What would I do if I participate?

In this study, you will be asked to share your thoughts and feelings about your experiences and background that led you to pursue a legal career and the practice of indigent criminal defense. Some questions will be about your personal background and experiences that led you into the legal field and what experiences or realities of practicing law that led you to specialize in indigent criminal defense. The interviews will be conducted on Zoom. They will be recorded and transcribed in order for me to obtain accurate information from you.

Can I quit if I become uncomfortable?

Yes, absolutely. Your participation is completely voluntary. You may skip any question you do not feel comfortable answering. You can also stop answering questions at any time. You are free to leave any time you wish. Participating is your choice. However, we do appreciate any help you are able to provide.

How long will participation take?

We expect interviews to last from 30-90 minutes, with the average being 1 hour.

How are you protecting privacy?

Neither your name nor any personally identifying information will be linked to any documentation for this study. Any use of this material in reports, publications or presentations will never be associated with participants in this study without permission. No one other than the researchers associated with this project will have access to the raw data. All related documentation will be kept on a password protected computer.

If I have some questions about this study. Who can I ask?

The study is being run by Dr. Hans Hansen and Lindsey Duke, Esq. from the Rawls College of Business at Texas Tech University. You may contact them at

Hans.Hansen@ttu.edu and lindsey.duke@ttu.edu. TTU also has a Board that protects the rights of people who participate in research. You can ask them questions at 806-742-2064. You can also mail your questions to the Human Research Protection Program, Office of the Vice President for Research, Texas Tech University, Lubbock, Texas 79409 or email them to hrpp@ttu.edu.

Signature

Date

Printed Name