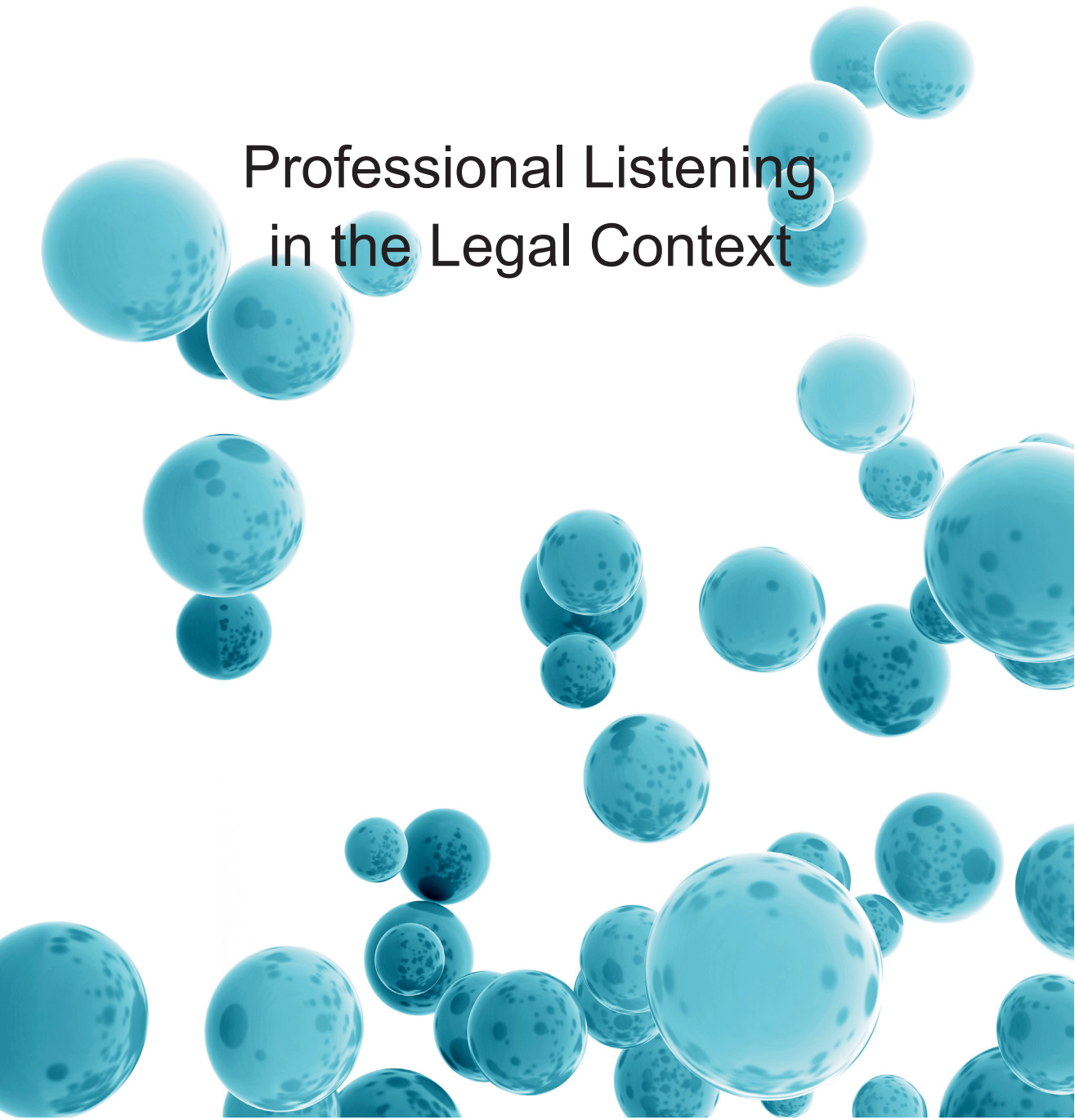


SANNA ALA-KORTESMAA

# Professional Listening in the Legal Context





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Professional Listening  
in the Legal Context



ACADEMIC DISSERTATION

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SANNA ALA-KORTESMAA

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My fascination with courtroom communication and listening started when I was a little girl and watched legal dramas on television with my father. I could not understand how those criminal defense lawyers were able to be so unbelievably observant and efficient listeners that after investigating their cases for only a day or two, they were convinced of the innocence of their clients. Although they posed perceptive questions and listened a lot, I still could not comprehend how they did so well at their job.

My interest in the role of listening in the legal context did not vanish, even after I learned that what I had been watching was fiction. At one point, I thought that I wanted to be an attorney. Fortunately life did not lead me in that direction, as I would not have made a good legal professional. I strongly believe that working in the legal field would not have brought me the kind of peace of mind and happiness that I have always pursued. However, since exploring listening in the legal context has given me a deep sense of satisfaction and because I have also had a lot of fun conducting this research, I know that I have chosen the right academic path.

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Tampere, Finland, September 2015

Sanna Ala-Kortesmaa





# ABSTRACT

This study examines the professional listening of judges and attorneys working in the courtroom context. The study approaches the topic from the perspective of well-being at work and empowerment by focusing on optimal listening, professional listening competence, and listening as a management method of relational tensions occurring in professional communication relationships. Listening is considered to be one of the main tools which are used by legal professionals for implementing the principles of orality, immediacy, and concentration at trials. When the goal of interaction is a factually correct solution without forgetting the clarity of action, visibility (transparency), and intelligibility, a successful listening plays a key role. Understanding the importance of this role as well as the meaning of listening direct the development of the expertise and thus enable the enhancement of job satisfaction and well-being at work.

Even though the meaning of listening as a part of the interaction process has been emphasized during the last years and its connection to the well-being of professionals has been studied, the focus of the research has not been on how a professional could enhance his or her own well-being by developing their own professional listening competence. Up to date, the research has mainly examined how successful listening experiences can increase the amount of satisfaction that the speaker experiences in an interactional situation, how interaction can be used to manage the relational tensions in communication relationships, and how the listening competence has been understood in general.

Thus, the main goal of this study was both to develop the theoretical framework related to professional listening and to outline practical listening related solutions that legal professionals could use to enhance their own well-being at work. The study approached its topic from a new perspective when strategies and perspectives related to both relational dialectics theory and social cognitive theory were used to create new models of professional listening and to modify the existing models of listening competence.

The study consisted of four sub-studies in which professional listening in American and Finnish courtroom context was examined using a cross-cultural approach. The foci of these sub-studies were in optimal listening, relational tensions of listening and the management of them, the construction of professional listening competence, and the relation of this competence to well-being at work. The data were gathered from judges and attorneys who are still actively participating in work life in Finland and in the United States. Data gathering methods included semi-structured interviews as well as online and pen-and-paper questionnaires. Qualitative research methods, particularly strategies used in the grounded theory, were used in the analyses of the data.

The results of the study indicated that optimal listening and aiming at this ideal are a fixed part of the listening competence of legal professionals both in Finland and in the United States. The development of one's own professional listening competence and understanding of the meaning of it seemed to have a significantly empowering effect on the legal professionals and their subjective sense of well-being at work in both countries. Legal professionals made active use of the listening competence in the management of relational tensions in their professional communication relationships which seemed to increase the self-efficacy of the participants of the study.

The results also indicated that traditional models of listening competence are not sufficient when the features of professional listening are examined. In this study, the models that were developed demonstrated that the dimensions of listening competence and the way the competence is constructed are tied to the profession. These models proved to be functional as by theorizing listening they make it a fixed part of the communication process that is also easier to understand and possible to practice actively. In addition, in this study it was noted that listening research is interdisciplinary, because the theories of communication and psychology that were applied in the research offered an excellent dialogic starting point for a theoretical discussion drawing from various fields of science.

**Keywords:** listening, professional listening competence, courtroom communication, dialogic listening, well-being at work, self-efficacy

# TIIVISTELMÄ

Tutkimuksessa tarkastellaan oikeussaliympäristössä toimivien tuomareiden ja juristien ammatillista kuuntelemista. Tutkimus lähestyy aihetta työhyvinvoinnin ja voimaantumisen näkökulmasta keskittymällä optimaaliseen kuuntelemiseen, ammatilliseen kuuntelemisosaamiseen ja kuuntelemistilanteeseen liittyvässä vuorovaikutussuhteessa ilmenevien jännitteiden hallintaan. Kuuntelemisen katsotaan olevan yksi oikeussaliympäristössä työskentelevien ihmisten tärkeimmistä työkaluista, joiden avulla oikeus toteuttaa suullisuuden, välittömyyden ja keskittämisen periaatteita. Onnistunut kuunteleminen on avainasemassa, kun vuorovaikutuksen tavoitteena on asiallisesti oikea ratkaisu toiminnan selkeyttä, havainnollisuutta ja ymmärrettävyyttä unohtamatta. Kuuntelemisen keskeisen luonteen ja merkityksen ymmärtäminen ohjaavat asiantuntijuuden kehittymistä ja tätä kautta myös mahdollistavat työtyytyväisyyden ja työhyvinvoinnin lisääntymisen.

Vaikka kuuntelemisen merkitystä osana vuorovaikutusprosessia on viime vuosina korostettu ja sen suhdetta työyhteisön jäsenten hyvinvointiin on tutkittu, tutkimuksen fokus ei ole keskittynyt siihen, miten alansa ammattilainen voisi itse kohentaa omaa työhyvinvointiaan kehittämällä omaa kuuntelemisosaamistaan. Tähänastinen tutkimus on tarkastellut pääasiassa sitä, miten onnistuneet kuuntelemisen kokemukset voivat lisätä puhujan tyytyväisyyttä vuorovaikutustilanteessa, miten viestinnällä ylipäänsä voi käsitellä vuorovaikutussuhteissa esiintyviä jännitteitä ja miten kuuntelemisosaamista voidaan yleisesti hahmotella.

Tämän tutkimuksen keskeisenä tavoitteena olikin sekä kehittää ammatilliseen kuuntelemiseen liittyvää teorianmuodostusta että hahmotella kuuntelemiseen liittyviä käytännön ratkaisuja, joiden avulla oikeussaliympäristössä toimivat ammattilaiset voisivat parantaa omaa työhyvinvointiaan. Tutkimus lähestyi aihetta uudella tavalla, kun sekä relationaalisen dialektiikan että sosiaalis-kognitiivisen teorian strategioiden ja näkökulmien avulla sekä luotiin uusia ammatillisen kuuntelemisentutkimuksen malleja että muokattiin jo olemassaolevia kuuntelemisosaamisen malleja.

Tutkimus koostui neljästä osatutkimuksesta, joissa tarkasteltiin kulttuurienvälisen vertailun avulla sekä suomalaista että yhdysvaltalaisista oikeussalikuuntelemista. Osatutkimuksien fokukset olivat optimaalisessa kuuntelemisessä, kuuntelemissuhteen jännitteissä ja niiden käsittelemisessä, ammatillisen kuuntelemisosaamisen rakentumisessa ja kyseisen osaamisen suhteessa työhyvinvointiin. Aineistot kerättiin haastattelujen ja kyselylomakkeiden avulla työelämässä aktiivisesti mukana olevilta suomalaisilta tuomareilta sekä ju-

risteilta sekä Suomessa että Yhdysvalloissa. Tutkimuksessa käytettiin laadullisia tutkimusmenetelmiä ja erityisesti strategioita, joita grounded theory -lähestymistapa soveltaa.

Tutkimuksen tulokset osoittavat, että optimaalinen kuunteleminen ja siihen pyrkiminen ovat kiinteä osa oikeusalan ammattilaisten kuuntelemisosaamista sekä Suomessa että Yhdysvalloissa. Oman ammatillisen kuuntelemisosaamisen kehittämällä ja sen merkityksen ymmärtämisellä näytti olevan molemmissa maissa huomattavan voimaannuttava vaikutus oikeussaliympäristössä työskenteleviin ammattilaisiin ja heidän henkilökohtaiseen kokemukseensa omasta työhyvinvoinnistaan. Oikeusalan ammattilaiset hyödynsivät aktiivisesti kuuntelemisosaamistaan vuorovaikutussuhteissa ilmenevien jännitteiden hallinnassa, mikä näytti lisäävän tutkimukseen osallistujien minäpystyvyyden tunnetta.

Tutkimuksen tulokset myös osoittavat, etteivät perinteiset kuuntelemisosaamisen mallit ole riittäviä analysoitaessa ammatillisen kuuntelemisen piirteitä. Tutkimuksessa kehitetyt mallit, jotka osoittavat kuuntelemisosaamisen dimensioiden ja rakentumistavan olevan ammattisidonnaisia, osoittautuivat toimiviksi, koska teoretisoimalla kuuntelemista ne tekevät siitä vuorovaikutusprosessiin kiinteästi kuuluvan, helpommin ymmärrettävän osan, jota on mahdollista aktiivisesti harjoittaa. Lisäksi tutkimuksessa havaittiin, että kuuntelemisen tutkimus on auttamatta monitieteellistä, sillä tutkimuksessa sovelletut vuorovaikutus- ja psykologian teorit tarjosivat erinomaisen dialogisen lähtökohdan eri tieteenaloista ammentavalle teoreettiselle vuoropuhelulle.

**Avainsanat:** kuunteleminen, ammatillisen kuuntelemisosaaminen, oikeussaliviestintä, dialoginen kuunteleminen, työhyvinvointi, minäpystyvyys

# LIST OF ORIGINAL ARTICLES

- I Ala-Kortesmaa, S. & Isotalus, P. (2015). Relational tensions and professionally optimal listening in the legal communication context: Finnish judges' perceptions of their own listening. *Studies in Communication Sciences*, in press. doi:10.1016/j.scoms.2015.03.001
- II Ala-Kortesmaa, S. & Isotalus, P. (2014). Relational tensions and optimal listening in the communication relationships of American and Finnish legal professionals. *Journal of Intercultural Communication Research*, 43(3), 173–193. doi:10.1080/17475759.2014.916227
- III Ala-Kortesmaa, S. & Isotalus, P. (2014). Professional Listening Competence Promoting Well-Being at Work in the Legal Context. *The International Journal of Listening*, 29(1), 30–49. doi: 10.1080/10904018.2014.937529
- IV Ala-Kortesmaa, S. & Isotalus, P. (2015). Dimensions of Professional Listening Competence in the Legal Context. *International Journal of the Legal Profession*, 21(2), 233–253. doi: 10.1080/09695958.2015.1024680

## Clarification of co-authored publications

### Article I

*Relational tensions related to optimal listening in the profession of a judge*

The data for this sub-study was gathered by using semi-structured interviews. The participant group consisted of Finnish judges. Gathering of the data, the analysis of it, interpretation of the results, and the writing of the article was done by the doctoral candidate. Professor Pekka Isotalus participated in the planning of the research and in the writing process by commenting the research methods, means of analysis, and the manuscript.

### Article II

*Relational tensions and optimal listening in the communication relationships of American and Finnish legal professionals*

The data for the second sub-study in regards to the Finnish participant group was the same as in the first sub-study, and the US-American data was gathered from American attorneys by an online questionnaire that had open-ended questions. The duties of the co-authors and

the distribution of them were the same as in the first sub-study. Virginia Mattila proofread the paper.

### **Article III**

#### *Professional listening competence promoting well-being at work in the legal context*

The US-American part of the data for the third sub-study was the same as in the second sub-study, and the Finnish part of the data was gathered from Finnish attorneys by using a pen-and-paper questionnaire that included the same questions as the online questionnaire for the Americans. The duties of the co-authors and the distribution of them were the same as in the other sub-studies. Virginia Mattila proofread the paper.

### **Article IV**

#### *Dimensions of professional listening competence in the legal context*

The fourth sub-study used the same data as the third sub-study. The duties of the co-authors and the distribution of them were the same as in the other sub-studies. Virginia Mattila proofread the paper.

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# 1 INTRODUCTION

Professional communication competence is widely researched (Dannels, 2001; Garside, 2002; Valkonen, 2003) and has been defined as attitudes, knowledge, and skills that are related both to communication and the specialization of a professional and which professionals need in order to be successful in their career (Hyvärinen, 2011). The connection between professional success and strong communication competence has encouraged researchers to examine professional communication competence and to construct clear definitions for the communication competence required in professional settings (Kostiainen, 2003; Rubin, 1990; Spitzberg & Cupach, 1989). As an important part as communication competence is in constructing and maintaining professionalism, in this study it is suggested that, instead of targeting communication competence as a research interest, it may be possible to offer a wider variety of both theoretical and practical means to enhance the quality of one's professional communication by focusing on a more specific competence, i.e. listening competence. In listening research, the term is often explained as a part of a person's ability to choose from a variety of listening behaviors in order to accomplish interpersonal goals. Competent listeners are able to accomplish their listening goals while also respecting others (Bodie et al., 2015).

The role of listening in professional communication competence has been considered somewhat marginal (Bodie, 2011). However, the early work of Sypher, Bostrom, and Seibert (1989) suggested that listening may enhance one's job performance and make promotions and power more attainable, while Cooper and Husband (1993) discovered that listening competency highly correlates with general impressions of effectiveness and the individual's satisfaction with the work relationship. Most listening research has focused on establishing theories to conceptualize listening (Bodie, 2009), classifying conceptualizations of communication competence in co-workers (Haas & Arnold, 1995) or determining listening conceptualizations using inductive research methods (Coakley et al., 1996). It has been noted that these concepts vary depending on the participants as well as the situation in which the interaction takes place (Imhof & Janusik, 2006; Halone et al., 1998). This is not surprising as people often knowingly participate in communication situations with a specific goal in mind, and listening plays a central role in this interaction because it is a process in which meanings are created and shared (Wolvin, 2010). Effective listening forms the basis for successful communication, and thus, various communication situations in professional settings require high listening competence. Depending on the situation, listening can be framed in various ways to effect particular relational purposes (Pecchioni

& Halone, 2000), and decisions related to this framing reflect listeners' professional ability and aptitude in using competent communication to reach their professional objectives (McCroskey, 1982). An interesting notion is that listening competence research has often focused on a person's perceptions of someone else's listening competence (Bodie et al., 2012; Bodie et al., in press), whereas the research of communication competence has often relied on a self-report approach (Wiemann, 1977; Spitzberg & Cupach, 1984; 2002; McCroskey & McCroskey, 1988; Wilson & Sabee, 2003). In this research, the perspective taken to professional listening competence is drawn from the traditional view of self-report.

Despite the attempts to better understand both communication competence and listening, listening research has not responded with a similar intensity to the challenge to develop the theory of listening and to explore what the professional listening competence consists of as what the communication research has done regarding the concept of communication competence. In addition to the aforementioned, some listening competence studies have been conducted in professional contexts (Cooper et al., 1997; Ala-Kortesmaa, 2013; Welch & Mickelson, 2013), but recent research has mainly focused on a general definition of listening competence. As indicated by Bodie et al.'s (2012) results, which used a US student sample, many of the identifiable attributes and behaviors of competent listening can be applied to various listening contexts. This implies that some of the features of competent listening are universal. However, in this research it is suggested that even though some features of competent listening are universal, not all people have those features, and even the ones that do have them are not necessarily excellent listeners in all contexts. Therefore, there must be some profession-specific features that broaden the concept of listening competence. This assumption is supported by the findings of some profession-specific studies (Ala-Kortesmaa & Välikoski, 2008; Välikoski & Ala-Kortesmaa, 2014) that have shown that at least in the legal context professionals understand listening to be a part of their professional communication and not merely a general skill they have. Therefore, this study balances on the tightrope between the features of profession-specific listening competence and the features that can be used to create a more comprehensive theory of listening competence. Furthermore, it can be seen as an attempt to construct the theory of listening further and to define the term *professional listening competence*.

In general, this qualitative study can be seen as a response to the lack of research that broadens yet quite a narrow scope of research regarding listening in a professional context. Profession specific features of listening are in the core of it as one of the goals of the research is to increase the theoretical and practical knowledge related to listening in legal context. The study draws from the traditional definition of Spitzberg and Cupach (1984) which states that communication competence is appropriate and effective, respectful towards others, and strictly related to a certain situation and communication relationship. In this study, the concept of competence is applied to listening and brought to a very clearly defined professional context – legal context – in which the guidelines for communication are strict, defined by law, and often require that the communication is formal, hierarchical, and

asymmetrical (Välilikoski, 2004). This leads to the communication in particular between a judge and attorneys or laymen in the courtroom being more rigid and pre-regulated than, for instance, communication in teacher-student or doctor-patient relationships. The study also examines the dimensions of listening and the listening taxonomy because the hierarchical structure of listening competence, like all implicit theories of competence, is an understudied field (Bodie et al., 2015), even though it could increase our understanding of the extent of the generality of professional listening competence.

It is also noteworthy that listening research focusing on listening and well-being (Chou, 1999; Hackenbracht & Gasper, 2013; Jennings et al., 2013) has mostly examined the topic from the perspective of altercentrism. This has left a significant gap on the research results that could provide information from the perspective of self-improvement of a listener such as what can a person do to improve the subjective sense of well-being at work by enhancing his or her own professional listening competence. The focus of the study is, therefore, on the self-perceptions of legal agents, which offers a new perspective to this research tradition.

The study draws from theories that are used in communication, psychology and education and offer frameworks for how people interact with each other, manage interpersonal relationships, and actively engage themselves in constructing the communication situation. Since it approaches this theoretical framework of relational dialectics theory (Baxter, 2004) and social cognitive theory (Bandura, 1991) from the standpoint of listening in a certain professional context, it is important that the communicational conventions of the field are closely related to the results that the analyses offer and that the concepts that are used and developed are discussed within the professional context. Chapter 2 outlines the current state of listening research as well as introduces dialogic listening and offers the theoretical basis for the connection between listening and well-being at work by discussing the similar connection between communication and well-being. In Chapter 3, the professional context of the study and its profession-specific communication features are introduced and the theories that are used in the study are presented as well as the viewpoints related to the formation of concepts for which the pragmatic results of the research gives support. Then the goals of the research are defined, the data and methods of analysis are explained, and the results of the sub-studies are presented. In Chapter 7, the results of the sub-studies are approached as a larger entirety and conclusions that enable the development of a deeper understanding about the phenomena that are under the examination are discussed. Finally, the study is evaluated and future research topics are addressed.

## 2 LISTENING AS A PART OF PROFESSIONAL COMMUNICATION

### 2.1 Listening

Listening is an essential part of interaction – without it, interaction would not be a process in which meanings are created and shared. Traditionally, listening has been defined as an action that requires concentration and in which information is taken in, processed, and remembered (Nichols, 1948). Currently, it is understood more diversely: it is the process of receiving, constructing meaning from, and responding to spoken and or nonverbal messages (ILA, 1996). Listeners actively participate in a communicative, creative process and control the information received and meanings derived from it (Brownell, 2010).

In listening-centered communication, listening is seen as the primary process that influences communication outcomes (Brownell, 2010). The act of listening is a complex process: the physical side of listening, presuppositions related to the communication situation and relationship, receiving the message, semantic processing of it, and responding to the message are all elements of the process (Imhof, 2010). Listening situation often directs the way people listen. For instance, sometimes the orientation to listening steers the focus of the listener to the content of the message whereas sometimes the interaction with other people is the reason for listening (Barker & Watson, 2000; cf. also McLaurin, 1992).

Traditionally, listening research has not been a separate field of study but it has usually been a minor part of communication research (Wolvin, 2010; Bodie, 2009, 2011). Some scholars have even stated that very little attention has been paid to the receiving end of the conversation even though understanding listening is crucial for forming a theoretical foundation for communication (Wolvin, 2010). However, in their detailed report focusing on the history of listening research, Beard and Bodie (2014) note that roughly from the 1940s (Nichols, 1947; 1948) until 1970s, the focus of research was on listening behaviors and practices, and starting from the 1980s, a shift toward the studying of listeners can be found. Since then, listening has not only been described as a distinct set of competencies but also as part of a larger communicative construct.

However, during the last decades the awareness of the importance of listening as engaged, purposeful behavior has increased and it has begun to gain more interest among scholars (Halone et al., 1998; Floyd, 2010; Bodie, 2011) even though the interest has been mostly in seeing listening as a list of practical skills that can be quickly acquired (Wolvin,

2010). According to Witkin (1990), scholars in general have wondered how well the concept of “listening” plays the role of a hypothetical construct in theory building and research. Wolvin and Coakley (1993) led the focus explicitly on what constitutes listening competence. In this current study, listening is seen as an entirety that can be examined somewhat separately even though it is situated under the larger concept of communication research. The idea of seeing listening as a hypothetical construct is put aside and listening is approached as an observable communication behavior that has a solid role in the construction of theory. The idea in this study is to combine the construction of theory and examine the practical applications of it.

The aforementioned practical approach has been more prominent in the listening research as during the last 60 years the atheoretical perspective has dominated the listening research and education that there has been. The idea of having a verbal and nonverbal skill set that can make a person a better communicator has been examined relatively thoroughly (Gilbert & Cornelius, 1988), but Wolvin (2010) argues that this approach has not offered a key to understanding why there are issues in listening efficiently and appropriately. According to him, taking a theoretical perspective on listening competence has enhanced the understanding about issues related to listening. However, whenever research about listening competence has been conducted, listening has usually been considered a marginal part of the professional communication competence (Bodie, 2011). The few exceptions are the studies that Wolvin and Coakley (1994), Wolvin and Cohen (2012), and Welch and Mickelson (2013) have conducted. However, profession-specific studies (Klagsbrun, 2001; Välikoski & Ala-Kortesmaa, 2014) indicate that at least medical and legal professionals understand the importance of listening as a part of their professional communication competence. There have been a lot of attempts to establish various theories of listening aiming at conceptualizing listening (Bodie, 2009), but the main focus has often been in mapping out listening conceptualizations utilizing inductive research methods (Coakley et al., 1996). It has been noticed that the situation and participants of interaction cause the conceptualizations to vary (Imhof & Janusik, 2006; Halone et al., 1998). It must be noted that this does not mean that listening itself has not been studied in various professional contexts. For instance, Brownell (1990) has examined perceptions of effective listeners in the business context, Cooper and Husband (1993) have aimed at developing an organizational model of listening competency, Haas and Arnold (1995) have focused on the role of listening in judgments of communication competence in co-workers, and Fassaert et al. (2007) have studied listening in medical consultations. In general, in professional life, most listening research has been conducted in the business and medical contexts.

In work life, it has even been claimed that listening is considered to be one of the most valuable skills that employees can have (Janusik, 2010). In this study, listening is approached from a similar perspective that acknowledges the importance of it. Goby and Lewis (2000) also note that listening is among the top skills indicating future promotion, because in an organizational context, it is important to handle various communication situations

professionally. In order to successfully examine the professional communication of legal professionals, it is important how professionalism is defined. This study draws from the definitions of McCallum (2014) and Brante (2013) that state that a profession is a varied set of specialized, abstract knowledge and skills that only a limited amount of competent people have an access to, and it is subject to self-imposed rules of ethical conduct in order to serve the interests of people and the public. In addition, according to the Model Code of Professional Responsibility, legal professionals are expected to be guided by personal conscience and they must exercise sensitive professional and moral judgment (ABA, 1980).

This current study defines the term professional communication by drawing from the definition developed by Gerlander and Isotalus (2010), and refers to the communication relationship between the interlocutors that actualizes in a professional context. The relationship may exist between two professionals or a professional and a lay person. This definition takes the interpersonal nature of communication into account, because professionalism is understood to be constructed through the task that is actualizing in the interaction (Gerlander & Isotalus, 2010). This contextual framework for professional communication exists despite the fact that national and organizational communication cultures are pervasive (Beall, 2010) and influence professional communication. Thus, the definition of professional communication can be applied to both American and Finnish legal contexts.

A connection between communication goals and listening is an important part of professional communication (Wolvin, 2010). These goals that stem from professional tasks guide listening. In this study, it is argued that in the legal context the communication goals stemming from professional tasks are in a more crucial role than in many other professions as the results of the communication may in most serious cases lead to a lifelong imprisonment or significant financial compensation and listening is in addition to the legal expertise the main tool that legal professionals use to get the job done. When the communication of a person effortlessly expresses the professional expertise, the person can be said to have a sufficient communication competence that in this study has been defined as an appropriate and effective (Spitzberg & Cupach, 1984) communication behavior that includes the evaluation of the communication outcomes and takes the norms, conventions, and requirements of the situation into account (Dannels, 2001; Garside, 2002). When communication actualizes in a professional context such as a courtroom in this study, the situational requirements and norms stem from the profession, and thus, the term *professional communication competence* is used. The adequate professional communication competence has been noticed to ease reaching the professional goals and to increase the subjective sense of well-being at work (Wright, 2011).

In professional contexts organizational principles guide listening and communication in general. In legal context, communication is used both for getting the justice done and for making the justice visible, so interaction is often highly hierarchical and asymmetrical (Välilikoski, 2004). Even though the legal systems are different (Duhaime, 2014; Lydorf,

2011) in the United States and in Finland, countries that form the cultural context of this study, courtroom communication at trial is strictly regulated, formally defined and based on the procedures and rules that guide the court work. However, because in both countries some of the work of legal agents is conducted in a more informal interaction, it can be assumed that also skills that emphasize the relational aspect of communication are needed to ensure that the communicational requirements of the profession are met.

In courtroom context, the justice must not only be done but also undoubtedly and manifestly be seen to be done, and it is made visible only through communication, which is both a tool that is used to reach this goal and a result of parties' action (Välikoski, 2004). The asymmetric communication relationships between parties are formal, distant and exist because of the legal system. Professional communication can be very meaningful to both interlocutors (Berger, 2005) when important decisions regarding the lives of the parties are made. Therefore, the interpersonal aspect of interaction is always present and has to be taken into account in communication.

## 2.2 Listening competence

When there is an attempt to conceptualize listening, it is important to understand that listening is a complex process that requires processing in short-term and working memory, and thus, strong *listening competence* requires versatile cognitive skills, large affective capacity and a large selection of applicable behavioral models (Wolvin, 2010). People tend to have an idea about what kind of listening is considered situationally optimal, and they tend to aim at that ideal in their own listening especially in their professional communication (Flynn et al., 2008; Rubin, 1982).

Listening is not merely a sub-category of communication competence but also a distinct, complex concept. Traditionally, listening competence has been explained to consist of a combination of situationally and relationally appropriate cognitive, affective, and behavioral choices (Wolvin & Coakley, 1994). In order to fulfill their part in the communication process, the listeners should be aware of what they are doing, interested in being engaged in the communication, and ready to behave in a way that makes the communication relationship meaningful (Wolvin 2010). A recent study (Bodie et al., in press) supports the notion included in these descriptions of listening competence that listening is one of the implicit theories that people use to judge the overall communication competence of interlocutors. In this study, the initial basis for the listening competence draws from the traditional view, but by stating that listening competence can also be seen as an independent concept that can be the focus of the examination – even though it operates under communication competence – this study approaches the multifaceted nature of listening from a different perspective than these studies. This alternative approach is based on the perception that listening competence can also be seen as a five-dimension model (cf. Wolvin & Cohen, 2012) that covers different aspects of listening. According to Halone et

al. (1998), the original dimensions are cognitive (how do I understand listening), affective (how do I value listening), and behavioral (what do I do when I listen), but to cover all the aspects of listening, Shotter (2009) later introduced a contextual (where do I listen) dimension and Beard (2009) suggested that ethical dimension (why should I listen) should be taken into account as well when examining features of a competent listener. In this research, all five dimensions of listening competence are examined. This is reasoned by the fact that the professional tasks of attorneys require them to engage not just the basic dimensions of listening but also include the features required by the professional context as well as professional ethics in their listening behavior when making choices of what to listen or whether to listen at all. As this indicates, the context in which the listening competence of attorneys is applied in has to be taken into account as well. Thus, instead of talking about listening competence of the attorneys, the term used in this study is *professional listening competence*.

Even though the examination of the dimensions of professional legal competence gives a lot of information about what the competence consists of, in this study it is assumed that to understand the nature of professional listening competence more thoroughly in legal context it also is necessary to examine a conceptual listening taxonomy of listening types developed by Wolvin and Coakley (1993). It reveals more information about what actually is happening when people listen, what listening focuses on, and what it includes. The taxonomy consists of three levels that listening operates on: base level, higher order level, and attending behaviors level. On the base level, a listener focuses on what is essential for the listening goal, i.e., in legal context what verbal and nonverbal information should be included or discarded to fulfill the attorneys' professional task.

On higher order level, the listener engages different perspectives to listening (Wolvin & Coakley, 1993). Depending on a national communication culture, the type of a legal system, and the situation that listening is actualizing in, the perspectives towards the speaker's message may vary. At times the situation, a witness hearing for instance, may call for critical listening when at other times, for instance when listening to a client's story for the first time, there may also be need for therapeutic listening. Attitudes and approach towards another person can significantly affect the quality of one's listening (Floyd, 2010), and also because attitudes people have towards themselves as listeners affect the way they listen.

On the attending behaviors level, listeners indicate their engagement to listening with verbal and nonverbal behavior (Wolvin & Coakley, 1993). In courtroom, the possibilities for legal agents to use these indicators are limited in the sense that the nonverbal behavior of them is often encouraged to be subdued in order for it to be considered professional. However, applicable behaviors include for instance making appropriate comments, asking specifying questions, maintaining eye contact, and using appropriate facial expressions (Ala-Kortesmaa & Välikoski, 2008).



## 2.3 Dialogic listening

People usually have an understanding about different situations calling for different types of listening. Each situation has its own most optimal way of listening and how this listening is indicated. When people know what they have to listen to and why, they know to perform the necessary behaviors that will help them to achieve these goals (cf. Wolvin, 2010). In this research, it is suggested that in order to reach the most optimal listening result, the listener has to take the dialogic nature of listening into account. Thus, *dialogic listening* that is referring to the way of listening that emphasizes the interactive nature of communication and encourages the interlocutors to take the perspective of each other into account (Stewart & Thomas, 1995) is seen in the legal context as the key to listening optimally and reaching the professional objectives in the best possible way. The focus of the interaction is to ensure as well as possible that both interlocutors focus on the current conversation and create shared meanings in it (Stewart & Thomas, 1995). The basis for dialogic listening can be seen to lay in active listening (Robertson, 2005; Fassaert et al., 2007; McNaughton et al., 2008; Bodie et al., 2015), but there are some differences between these two listening styles. For instance, they both aim at acknowledging each other's perspectives, but in active listening, listeners are supposed to distance themselves from the emotions of the speaker, whereas in dialogic listening, it is accepted that this kind of complete distancing is not possible. In active listening, the listener may also encourage the speaker to continue talking by rephrasing what he or she has said (Rogers & Farson, 1987), which may be frustrating to the speaker as the message is repeated but not interpreted. When Stewart and Thomas started to work on dialogic listening, their goal was to offer an alternative way of listening as active and emphatic listening had become popular buzz words even though they did not feel like they were the answer to all listening situations. In their book (1995), they stated that when active listeners aim at getting immersed in another person's thoughts and perspectives, the goal of creating mutual understanding and shared meanings may remain in a secondary position. Therefore, dialogic listening can be seen as a return to making the communication the focus of the interaction.

When listening situations are approached dialogically, attitudes towards listening are direct, open-hearted and lack manipulative intents (Johannesen, 1971). In legal communication, this means that it is particularly important for legal agents to listen dialogically and leave one's own personal biases and agendas behind, but it is also important to recognize if the speaker is communicating dialogically. This dual aspect to dialogic listening (Floyd, 2010), requires a lot from the listening competence of legal professionals because according to the description of it listening dialogically in professional communication situations include listening authentically, placing themselves in the speaker's position, accepting that the speaker is a person of worth because she or he is a human being, letting the speaker communicate freely, and creating a supportive communication climate with their listening. It can be challenging, because there are no guarantees that the speaker will follow any culturally or situationally set rules of conversation.

The examination of the behaviors that Floyd (2010) introduced, especially in various communication relationships, can offer ideas for improving the functionality of communication relationships. This is because, when the listening is performed dialogically in an optimal way, it encourages people to be attentive, increases the level of mutual understanding regarding the discussed topic, and allows people to be willing to share more information because they feel like they are appreciated and listened to (Stewart & Thomas, 1995). However, in the current study it is suggested that the appropriate way of listening, “the optimal listening”, has to be negotiated and determined in every communication relation and situation, because an optimal listening process requires that the communicator knows how to listen in a way that is cognitively and behaviorally appropriate (cf. Imhof & Janusik, 2006) when it takes the dialogic listening perspective into account. When the goal of the interaction is functionality, it can be assumed that dialogic listening is the most eligible way to increase mutual understanding. The listening situation is always relational due to its interactional nature, and the quality of one’s listening can be significantly affected by the approach and attitudes that one has toward the communication relation (Floyd, 2010).

When the dialogic perspective towards listening is applied to the examination of communication competence, in the current study it is argued that the traditional definition of the competence that was discussed in Chapter 2.1 (Rubin, 1982; Spitzberg & Cupach, 1984) does not quite cover the interpersonal aspect of it. In order to emphasize the dialogic nature of listening, communication competence should also be understood to refer to a competence that actualizes in face-to-face interaction and consists of self-disclosure, empathy, social relaxation, assertiveness, interaction management, altercentrism, expressiveness, supportiveness, immediacy, and environmental control (Rubin & Martin, 1994). From this perspective, listening competence can be seen as a competence that completes communication competence. Focusing on listening as a somewhat distinct competence also emphasizes the relational aspect of interaction that is constantly present in the work of attorneys because listening cannot be performed unless the verbal or nonverbal interaction between the interlocutors actualizes. The communication competence and, in particular, listening competence is a means for legal professionals to accomplish the goals they have set for a certain professional communication situation, because listening has been seen as the primary process that influences communication outcomes (Brownell, 2010). Given the diverse background of people participating in the professional communication situations, legal professionals’ dialogic listening has to adapt to a variety of perceptual filters, presuppositions, and value orientations. Legal context sets specific challenges for dialogic listening, and understanding them can increase the effectiveness of their listening.

## 2.4 Listening and well-being at work

The more satisfied people are with their professional communication relationships, the higher their job satisfaction has been noted to be (Blegen, 1993; Wheelless et al., 1984). This can be seen to lead to a more consistent feeling of well-being at work. According to Russell (2008), reaching professional objectives increases their subjective sense of well-being at work. The term *subjective well-being* can be defined as people's subjective view of their life experience (Russell, 2008), and a context-specific concept of *well-being at work* refers to people's perceptions of their existence in a work context (Russell, 2008). It consists of emotional well-being and positive functioning that covers both psychological and social well-being (Keyes, 1998; Keyes & Magyar-Moe, 2003). Pekkola et al. (2010) discovered that especially informal face-to-face communication can increase subjective well-being at work. In this current study, it is suggested that it is not merely the communication itself that is crucial in enhancing the well-being at work but the observation focus can be narrowed as listening is an essential element in this type of a communication relationship, especially in situations in which stress factors and time constraints affect the subjective well-being of a worker, because people who have a positive approach to professional communication are less affected by the stress factors (Pekkola et al., 2010). In this study, it is argued that the effect of stress factors can also be lessened in particular by using dialogic listening that takes the relational aspect of listening into account as dialogic listening directs a listener to actively frame his or her listening and requires the listener to be capable of self-regulating his or her listening behavior, so that reaching relational and professional goals is possible. The work of attorneys is filled with stress that stems from new information, unexpected witnesses and strict timelines, so it can be assumed that if they consider themselves having strong listening competence, it promotes to their sense of well-being at work.

It must be noted when talking about listening and well-being, however, that some studies (Lewis & Manusov, 2009; Petronio, 2000; Perrine, 1993) have found a connection between a listening style that truly focuses on the discloser and listener burnout. In all these studies, it was discovered that listeners experience more stress the longer they spend listening to the distressed discloser and the higher the degree of responsibility they feel regarding lessening the stress the discloser experiences. Lewis and Manusov (2009) suggest that if listeners are able to offer advice instead of just validating the discloser's pain and limit the amount of time they dedicate to listening, they are less likely to experience burnout caused by listening to distress. In this current study, this possible negative effect of listening is considered when discussing the connection between listening and subjective well-being at work.

In previous studies (Shanafelt et al., 2005; Pekkola et al., 2010), it was also discovered that communication is particularly important in promoting well-being at work in situations in which trust, encouragement, and participation were necessary for the accomplishment of the professional task. These factors, especially when related to job satisfaction, were studied from the perspective of communication, but the connection between a professional's

perceptions of his or her own listening competence and his or her job satisfaction has yet to be examined. However, dialogic listening includes features that can be used to manage and promote these factors and thus, promote well-being at work, because listening is central to the process by which effective, successful communication is created (Brownell, 2010). In legal context, when attorneys manage different relational listening situations well with their professional listening competence, it may lead to a higher frequency of positive emotions regarding professional communication relations with colleagues and clients. Thus, professional communication and listening is an important factor that contributes to well-being at work (Bentley, 2010; Gunn, 2001).

When discussing self-regulation as a means to promote well-being at work, this study draws from Bandura's (1991) social cognitive theory (SCT) of self-regulation because the higher the listener's level of engagement in processing the message, the more self-regulation is required (Wolvin, 2010). The theory's connection to well-being at work is briefly discussed here but the theory itself is introduced in the Chapter 3.1. In a professional context such as legal context, attorneys' engagement to both professional relationships as well as the messages that are created and exchanged in them is expected to be high so that the accomplishment requirements of their professional task becomes possible. Thus, the management of listening relationships calls for high amounts of self-regulation in order for it to lead to positive listening experiences and to promote well-being at work.

SCT suggests that the major self-regulative mechanisms operate through three functions: self-monitoring of one's behavior, judgment of one's behavior in relation to personal standards and situational requirements, and affective self-reaction (Bandura, 1991). According to Bandura (2001), to be able to perform these actions, a listener has to be an agent of his own actions, i.e. intentionally make things happen, and in addition to intentionality, other core features of personal agency are forethought, self-reactiveness, and self-reflectiveness. When people take an agentic perspective to their own lives, they enable themselves to guide their own self-development, adaptation, and self-renewal (Bandura, 2001). This, in turn, may lead to a higher subjective sense of well-being at work. Even though Bandura's concept of human agency (2001) includes the level of personal agency as well as levels of proxy agency and collective agency, this study focuses on the level of personal agency, because the self-regulation mechanisms of attorneys are under examination. Active self-regulation through the agentic perspective is important in organizational settings, because there is a lot of variation in the ways people interpret the rule structures of social systems (Bandura, 2001). However, there is relatively limited amount of leeway regarding interpretation of formal codes in legal context. Thus, successful self-regulation can be even in a more crucial role.

By engaging agentic perspective in their professional relational listening, attorneys take responsibility for both ensuring the progress of the communication situation and maintaining the communication relationship and their listening-related well-being at work. Self-regulation is connected to the concept of *self-efficacy*, i.e. person's beliefs in his

or her abilities to reach the goals he or she has set for himself or herself, which in turn has a strong impact on the application of personal agency because it operates through thought, affect, motivation, and action (Bandura, 1991). By examining the ways attorneys engage the personal agency in their relational listening to regulate it, it is possible to develop a more comprehensive understanding about their listening-related professional well-being. It is possible that self-regulated listening strengthens the feeling of personal agency and self-efficacy. Given the impact of communication competence on job satisfaction through achieved goals (Blegen, 1993), understanding the connection between listening, communication, and well-being at work is essential when the objective is to provide people with means to promote their own well-being.

### 3 COMMUNICATION CONTEXTS OF LEGAL PROFESSIONALS

Earlier research results (Carbaugh, 2005; Gudykunst et al., 1996) suggest that the prevailing communication culture determines the ways people communicate in different situations. In this research, the term *communication culture* includes norms and conventions that guide interaction and it is seen as an organizational as well as a cultural phenomenon. The organizational communication culture refers to the processes that coordinate the activities of individuals and the collective group when they try to reach individual and shared goals (Tompkins & Wanca-Thibault, 2001). The effect of the organizational communication culture is particularly strong in the context of this study, because even though substantial law guides the sentencing of the factual matter, the procedural law defines the interaction between procedural subjects more strictly than it is normally defined, for instance, in business-related organizational contexts. This includes features such as who speaks, when, how, to whom, and for how long. The requirements for legal agents' professional communication and listening are quite formally defined and based on the procedures and rules that guide the court work.

#### 3.1 Professional relationships

In communication research, the term *communication relationship* refers to the relationship that exists between the participants of the communication situation and actualizes in interaction (cf. Baxter, 2004). In the legal context, the communication relationships are formal, distant, and asymmetric which means that one participant of the communication situation has the right to decide who speaks, what, when, and for how long. These communication relationships can have a significant impact on the lives of the parties, because communication is both a result of parties' action and a tool for getting the justice visibly and undoubtedly done (Välikoski, 2004). At trial, there are multiple relationships where the legal agents as well as the lay person have a duty to listen to the others. However, the asymmetry does not only exist between the lay person and the professional but also between the professionals, because one of the legal agents, the judge, has a lot more power and is entitled to regulate the communication. Therefore, the interpersonal aspect of interaction is always present and has to be taken into account when professional communication relationships are examined.

In order to participate effectively in a communication relationship, a person has to understand what is required from a listener in a certain communication situation. Listening competence is required in all communication (Imhof, 1998), but institutional contexts in which communication relationships are defined by different degrees of formality and different hierarchical structures pose particular demands for the listening competence. This variation in the demands of listening situations challenges listeners to use their listening competence in order to meet the requirements for situational listening. The role of a listener is as important as the role of the speaker in the communication relationship. These roles are not fixed but continuously shift from one interlocutor to another as their conversation continues. A listener shares the responsibility for the outcome of the communication and engages in the behaviors that support that outcome (Wolvin, 2010). When a dialogic, relational approach is taken to listening, the situational means that interlocutors use when adapting their listening to different listening relationships become the targets of interest. By exploring the effect of the communication relationship on definitions of optimal listening it is possible to achieve a more comprehensive understanding about the means that are used in this adaptation process.

When examining listening in professional communication relationships, relational dialectics theory (RDT) can be applied to get a better understanding of the elements of the communication relationship that affect listening. The RDT is a theoretical framework that explores human relations and their dynamics and forms an important part of the theoretical framework of this current study. From the perspective of RDT, in order to communicate successfully in communication relationships, constant attention has to be paid to interaction by the interlocutors (Baxter, 2004).

Traditionally, RDT has focused on communication in personal relationships. This has at times led to the marginalization of professional communication and to the perception of professional communication as “impersonal” (Gerlander & Isotalus, 2010). However, according to Baxter (2004) all relations are communication processes so the professional relation can also ontologically be understood to be a communicational phenomenon. The connection between the relation and communication is solid and dualistic: relationships are constructed in the communication processes between interlocutors. Therefore, in this current study it is claimed that there is no need to exclude professional relations when examining the nature of interpersonal communication in different contexts. Relationships are created and constructed also in the professional communication processes between interlocutors, and traditionally this type of relationship building has been considered to effect the way the interlocutors will continue communicating with each other (Rogers, 2008; Wilmot, 1995). RDT explains meaning making as a process that is created by competing discourses when different tensions, asymmetry of communication, and ambivalence of communication relations manifest themselves (Baxter, 2004). The dynamics of these elements actualize in the interaction when the balance of the communication relation and the formality and autonomy in it are negotiated (Baxter, 2010).

RDT acknowledges that the message simultaneously has both the dimension of content and the dimension of relation (cf. Bateson, 1951). The content dimension includes everything that is actually said in the communication relation, while the relational dimension concerns the interpretation of the content of the message (Watzlawick et al., 1967). The content of the message always actualizes in the communication relationship that is constructed as the interactional process proceeds (cf. Tracy, 2000). Interlocutors get information about the attitudes that they have regarding the communication relationship, the message, and each other when they focus on the relational dimension of the message (Burgoon, 1991). The characteristics of the communication relation, especially the familiarity of the interlocutors and the formality degree of the communication situation, can affect the interpretation of the relational dimension of the message, because it is often expressed in a nonverbal manner and can seem ambiguous (Burgoon 1991). In this current study, it is noted that the two-dimensional characteristic of a message calls attention to listening, because without it, communication would not be a process in which meanings can be created. Despite this, practically no attention has been paid to the other side of the interaction process: listening.

RDT explains the meaning making as a process that is created by competing discourses: both relationship parties have their own aspirations but their joint communicative work creates a shared meaning. Meanings are constructed with respect to partner identities and relationship identities (Baxter & Braithwaite, 2004). The competing discourses are often created by different tensions, asymmetry of communication, and ambivalence that exist in communication relations (Baxter, 2004). The dynamics of these elements actualize in the interaction of the interlocutors when they, often subconsciously, negotiate the balance of equality of the communication relation, the amount of formality that is appropriate to express in it, and their respective levels of autonomy and dependency in it (Baxter, 2010).

According to the principles of relational dialectics (Baxter & Montgomery, 1996), the occurrence of tensions in relationships is unavoidable. Tensions are a core element of a relationship that partners need to manage in order to sustain the connection. Partners negotiate the opposing dialectical tensions that manifest themselves in interaction and stem from contrary desires. Tensions are conceptually located at the interpersonal level, and they depend upon and vary with contexts. Even though studies have focused on tensions occurring in personal relationships (cf. Baxter & Braithwaite, 2004; Baxter, 2004), in this current study it is suggested that contradictions and tensions occur in the professional context as well when individuals attempt to balance their roles as employees while maintaining established relations within their occupations. Despite the fact that the legal context is hierarchical and formal, communication relationships between legal professionals and clients are not stable and definitive. Stress occurs frequently on the individual level as human needs and desires clash (Bridge & Baxter, 1992). Legal professionals are expected to manage formal and informal communication relationships (Välilikoski & Ala-Kortesmaa, 2014), which may be challenging as people tend to aim at stability in their relationships



(Baxter & Montgomery, 1996). The few studies that have examined professional communication relationships using RDT have focused on relationships between teachers and students (Rawlins, 2000), advisors and advisees (Poutiainen & Gerlander, 2005), and doctors and patients (Gerlander, 2003). However, even though these studies offer a lot of information about communication relationships, none of them focused on tensions that manifest themselves in listening even though listening can be used to manage the relational tensions that occur also in the professional context.

In relational dialectics changes in relationships and in commitment levels are considered to be related to contradictions (Baxter & Montgomery, 1996). Tensions in communication relations can lead to disengagement if the parties experience a high level of stress (Herrmann, 2007). Therefore, interlocutors usually try to manage these tensions using different strategies such as segmentation, integration, recalibration, and reaffirmation (Baxter & Montgomery, 2000). In their study, the authors explained that segmentation means that people experiencing tension choose to deal with one side of the tension in one area of life and the other side of the tension in another area of life. Integration refers to developing behaviors that will satisfy both sides at the same time, recalibration refers to reframing the tension in a way that opposition does not exist anymore, and reaffirmation refers to accepting the tension as a normal and healthy part of the relationship (Baxter & Montgomery, 2000). In this study, it is suggested that listening is one of the methods that can be applied to ease the use of strategies to manage these tensions. Thus, it is important to conceptualize the strategies related to listening that are used for managing these tensions and enhancing the functionality of the communication as the tensions experienced in the communication situation can affect the interpretation of the relational dimension of the message, because it is often expressed in a nonverbal manner and can seem ambiguous (Burgoon, 1991). In the legal context, listening is often the nonverbal method that conveys the relational dimension of the message. This does not imply that listening has no verbal components as well – for instance Bodie et al. (2015) have indicated in their study that verbal response is actually more important to the prediction of listening competence than nonverbal responses – but in a trial, the strict communication code can prevent the legal professionals from using verbal cues to relay the relational dimension of the message, and they are compelled to rely on the nonverbal components of listening.

Social constructionism theory (SCT), in which relations are considered to be constantly changing, is also applied to the examination of relational tensions in this study because it allows the analysis of varying legal relationships. When focusing on the management of relational tensions, a concept used in SCT, *human agency* (Bandura, 2001), offers a useful perspective for the examination of the strategies that legal professionals use. The term refers to the capability of a person to control his or her own behavior as well as to a certain extent also the behavior of others. The theory suggests that all learning occurs in a social context in a dynamic and reciprocal interaction, and assumes that goal-directed behavior can be reached through self-regulation (Bandura, 1991).

In SCT, the human agency is seen to consist of intentionality and forethought, self-regulation by self-reactive influence, and self-reflectiveness regarding one's own capabilities, functioning, and quality of life (Bandura, 2001). People's ability of exercising control over their own actions and situational events is seen in this study as a core component in the process of promoting well-being through becoming more aware of and improving his or her listening competence. The concept of agency can be approached from three different perspectives: it can be seen as personal agency in which a person is responsible for controlling the situation through his or her own behavior, proxy agency in which the individual relies on others to behave in a way that it works for one's best interests, and collective agency in which socially coordinated and interdependent efforts are means to control the situation (Bandura, 1997). In this study, due to the perspectives of the management of relational tensions and self-improvement of the listening competence and well-being at work, the focus is mainly on personal agency which operates within the listening competence of attorneys, and collective agency which is formed by the network of attorneys' professional communication relationships.

According to Bandura (2001), human agency operates within a network of sociocultural influences both as a part of it and as a producer of it. In this study, these influences are considered to be interpersonal, organizational, and cultural. Attorneys have to modify their professional communication competence and strategies they use to manage tensions, i.e., personal level of sociocultural influences, according to the relatively strict and hierarchical norms and conventions of courtroom communication, which forms the organizational level of sociocultural influences.

## 3.2 Professional tasks

Even though the courtroom context is hierarchical and formal, this does not entail that communication relationships between legal professionals and their clients would be stable and definitive. The judges and attorneys are expected to have the necessary communication competency to manage both formal and informal communication relationships, sometimes even with the same client. This can be challenging for them, because change is often viewed as problematic for a relationship due to the fact that people tend to aim at stability (Baxter & Montgomery, 1996). The contradictory and contingent nature of relating is an element that cannot be underestimated in courtroom communication: the consequences of the functionality of it, i.e. verdicts that are given, often have serious impacts on the lives of the disputing parties. Relational dialectics examines both the unity and opposition of contradicting elements (Baxter, 2004). Due to its tendency to focus on interaction in social reality, it offers a suitable framework for exploring communicational and relational contradictions that are located both within the individual and in the relationship between parties. This is because, in relational dialectics, contradictions are seen as social phenomena located in the relationship between parties and negotiated by them (Baxter, 2004). Changes

in relationships and in commitment levels that the interlocutors express are related to contradictions (Baxter & Montgomery, 1996).

Sennett (2003) has noted that the work of a specialist is always goal-directed, and that this is why the interpersonal aspect is not the focus of it. In the legal context, this feature is emphasized due to strict rules and formality of interaction. However, the interpersonal aspect of communication cannot be forgotten, because a professional communication relationship is a communicational phenomenon and actualizes in interaction. Various interactional situations during a trial present different discourse types which correspond to the relationship between the participants of the communication relationship (Drew 1992). Findings of previous professional communication studies (Miller, 2007; Ruusuvuori, 2005) have suggested that the central position and importance of emotions in communication reflects the interlocutors' strong commitment to interaction. All parties have to recognize the expressions of commitment for them to become meaningful. In addition to straightforward talking, active listening is a widely acknowledged way to achieve this end (cf. Imhof & Janusik, 2006). In the courtroom, the experience can be unprecedented and the matters at hand highly important for the disputing parties; therefore, they may expect a considerable degree of commitment also from the legal professionals. In a formal environment, showing emotions could be considered to be an inappropriate way to indicate their commitment to the matter and interaction. However, listening is one of the ways in which a legal professional can indicate his professional competence and his devotion (Ala-Kortesmaa & Välikoski, 2008).

In Finland, the interaction in courtrooms, and therefore, the importance of listening, has increased only during the last 20 years. The reform of judicial proceedings aimed at increasing orality and changed the nature of trials as interactional situations, so that it became meaningful to study courtroom communication (Ervasti, 1997; Haavisto, 2002; Välikoski, 2004). After the reform, every trial has had to meet the principles of concentration, immediacy, and orality, meaning that all the material presented in trials has to be presented orally, continuously, and in the same tribunal assembly (Criminal Procedure Act of Finland 689/1997). The court decisions may be based solely on material presented orally in the main hearing.

Prior to the reform, the work of judges and attorneys did not include a lot of interaction. Most courtroom communication, especially in the main hearing, used to consist of reading written documents aloud. Only after the reform did courtroom communication become interesting from the communication relations point of view (Haavisto, 2002), because only then the interaction in which the communication relationship actualizes began to have a genuinely dialectic nature. The reform gave all legal professionals but especially judges an active, interactional role: they are expected to participate in the interaction instead of just taking information in. From the standpoint of professional communication, the change has been remarkable, because the communication process turns into interaction only when there is a functional connection between the content of the message and how it

is communicated (cf. Gerlander, 2003). Currently, the primary goals of the work of legal professionals are reached in interaction; thus, to meet the requirements of their profession, judges and attorneys have to be able to adapt to very different kinds of communicational roles.

In 2006, the new court annexed mediation in civil cases was introduced, and it changed the communicational aspect of the professional role of Finnish judges even more. Not only are they supposed to be in charge of trials but also work as negotiating mediators between the parties of the dispute. In mediations, the communication relationship between the judge and the parties is different from the communication relationship in a trial. These different perspectives on communication relationships and the tension inherent in them put pressure on the communication competence of the judges. In addition, the oral preparation of the case now enables settling the case before taking it into the courtroom; therefore, judges are supposed to keep that option in mind when chairing cases (cf. Mediation, 2012; Mediation procedure, 2012). Since the participant group of judges in this study was only from Finland, the professional tasks of American judges are not discussed in this research project. However, it is worth noting that in Finland, procedural law gives judges more power over cases and communication related to them than in the United States, where in criminal cases verdict is mostly given by the jury (Myers, 1979).

The daily tasks of attorneys vary a lot depending on their field of law. Their job description differs quite significantly also from the tasks of a judge. A lot of their work is done behind the scenes either in private negotiations with clients or as individual work when gathering information gathering for a contract or a case. Usually they have several cases in progress at any given time. Actual court work, the part of their job that is visible to outsiders, takes only a fraction of their time (Immonen, 2005). In court, the communication is often addressed to the judge, more rarely to a small jury. This feature is significantly different in the American courtroom communication in which the purpose of the attorney's communication is to convince the jury about the standpoint he or she is representing. However, just like in Finland, most American attorneys spend a large portion of their working time drafting legal documents and working on the theory of the case that would prove the case to be favorable to their client (Epstein, 2001).

In general, the change towards the more interactional professional role has required a lot of adaptation from legal professionals. For instance, in order to be able to build a well-functioning communication relationship and meet the requirements of their profession, it would be beneficial from the professional perspective if judges and attorneys were aware of tensions that are linked to their professional communication competence; this can have an effect on their listening. In addition, in relational dialectics it is considered that tensions in communication relations can lead to disengagement if the amount of stress the parties experience gets high (Herrmann, 2007). In trials and mediations, parties experience great amounts of emotional strain due to the unusual nature of the situation and the significance of the outcomes. It has been noted that, in such situations, the participants

of the interaction are keenly aware of whether the professional is truly listening to them (Thomas & Pollio, 2004). In trials, parties are exposed to large amounts of emotional strain due to the unusual nature of the situation. Therefore, in this study it is suggested that it is important from the perspective of professional communication competence to know how the communicational tensions affect listening as in a strictly controlled professional environment legal professionals are expected to maintain the functional communication relationship by managing relational tensions using their listening and indicate it with their listening behavior.

### 3.3 Cultural environment

Legal communication is usually understood as dynamic and formal verbal and nonverbal interaction. The conventions regarding the format and style of it, however, vary from one country to another. Both in the United States and in Finland, the part of professional communication that actualizes at trial is formal and strictly regulated. Even though the common law legal system in the United States is based on case law, which means that law is developed by decisions of courts and the role of juries is important (Duhaime, 2014), whereas in Finland, the legal system is based on continental law, which means that core principles are codified into a system that can be referred to and that forms the primary source of law and a judge gives a verdict in a large portion of the cases (Lydorf, 2011), similar principles of courtroom communication apply to both countries. From the perspective of this study, it is particularly noteworthy that in both systems, listening is one of the main communicational functions of all legal agents.

Even though lot of the differences in courtroom communication between the United States and Finland originally stem from the differences in legal systems, differences in national communication cultures have an effect on the professional communication in legal context as well. For instance, professional communication genres contain principles that conversationalists adhere to when expressing their professional ability and credibility. Since they exist within prevalent national communication cultures, these communication genres are culturally bound and susceptible to changes (Wilkins & Isotalus, 2009). Thus, they are easily affected by transformations in communication cultures. After all, culture is a primary determinant of all communication behaviors (Beall, 2010).

In North America, communication cultures have been extensively studied. It has been noted (Young, 1994) that Americans do not tolerate silence well but tend to fill it with talk and enjoy expressing themselves verbally (Carbaugh, 2005). In the same study, it was discovered that Americans are often less preoccupied with the social worthiness of their verbal expression than with its personal importance. Americans seem to use communication primarily to maintain a strong connection with others (Pappano, 2001; Katz, 2003). It is important to establish a friendly link, even if temporary, between the interlocutors (Carbaugh, 2005). American professional communication culture seems to operate flexibly

on many levels: common communicational features include being honest, supportive, and sharing, but the concept of personhood emphasizes the notions of “individual” when interacting with others (Carbaugh, 1989).

Finnish communication culture differs from US-American communication even though general values between these two countries are fairly similar. Even though Finland is a Western country and embraces Western values, a lot of the communication style features are originally attached to Asian communication style (Lewis, 2005). This may reflect the geographical location of Finland between the East and the West. Traditionally, Finnish communication culture has been considered to be rather monologic, and tolerant toward long pauses in verbal interaction, because social as well as informative value of speech is often carefully considered before talking (Salo-Lee, 2007). Studies exploring Finnish communication culture have often focused on verbal interaction (Isotalus, 2009; Välikoski, 2009; Wilkins, 2009), but because silence is closely connected to Finnish communication culture, the role of the listener has been noticed in the recent personal communication research. It has been suggested that communication culture in Finland is listener-centered, i.e., the role and importance of the listener are emphasized in interaction (Lewis, 2005; 1999; Sallinen-Kuparinen, 1986).

Even though Finnish communication culture has slowly started to resemble the US-American communication culture for instance in how small talk is used and how the speaker may be interrupted with questions (Nishimura et al., 2008), Finns still tend to consider silence to be both a positive thing, a way to be connected with others through listening (Salo-Lee, 2007), and one of the demonstrations of a social model of personhood (Carbaugh, 2006; Sajavaara & Lehtonen, 1997). Silence can be seen as giving a compliment to a speaker as well as the most attentive way to listen (Lewis, 2005) or as a means to give support (Virtanen & Isotalus, 2014).

Even if the thought of a “silent Finn” is a fading stereotype, every stereotype has a small grain of truth in it, and in regards to silence this can be observed in Finnish courtroom procedures, which used to be very quiet and literal in criminal cases (Ervasti, 1997; Haavisto, 2002). Silence is a slightly complicated concept in courtroom communication from the standpoint of listening, particularly when the parties have a right to silence as well. It can be assumed to be a part of legal agents’ professional communication, especially in criminal proceedings in which the defendant and his or her lawyer may use it as a strategy, because in Finnish culture, listening to silence while “listening between the lines” is nothing extraordinary. In 1998, the reform of judicial proceedings increased orality and changed the nature of trials as interactional situations (cf. Haavisto, 2002). From the standpoint of professional communication, the change has been remarkable, because the communication process turns into interaction only when there is a functional connection between the content of the message and how it is communicated (cf. Gerlander, 2003). The Finnish legal system differs from the American common law legal system in this sense as well, because in American courtrooms, oral tradition has thrived for centuries whereas

in Finnish courtrooms, the tradition of orality is less than two decades old (Haavisto, 2002). In Finland, the communication culture is also seemingly infocentric: the simplicity of message-centered expression marking the preferred performance in speech is preferred over egocentric and sociocentric motivations for speaking (Sajavaara & Lehtonen, 1997; Wilkins, 2009). The infocentrism can be observed well in trials due to the professional task that actualizes in interaction (Ala-Kortesmaa et al., 2011).

Skills that are often included in the professional communication and listening competence vary in different cultures (Nishimura et al., 2008). Members of an organizational group may have different cultural expectations regarding co-operation in order to reach a certain goal. The sense of efficacy, whether it is stemming from individually or collectively achieved goals, contributes significantly to the individual's feeling of self-management and productive functioning (Earley, 1994). A low sense of coping efficacy is considered stressful in low-context, individualistic cultures (Matsui & Onglatco, 1991). People from all cultures gain the highest sense of self-efficacy when their personal psychological orientation is congruent with the structure of the social system (Earley, 1994). From the perspective of dialogic listening, both the role of attorneys as the agents of their own self-reflectiveness and their self-reactive influence when improving subjective well-being at work through listening competence are crucial. The cross-cultural perspective in this study also responds to the need (Kim, 2001) for more cross-cultural research examining the similarities in the communicative functions that have spread and begun to weaken the social and cultural normative systems and made them become more interdependent in Western societies.

Neither American nor Finnish professional communication research has concentrated on listening, even though the primary goals of legal work are reached in interaction. In the legal context, listening and the knowledge of law have been considered equally important in accomplishing the professional tasks (Ala-Kortesmaa et al., 2011). Thus, to meet the requirements of their profession, professionals have to adapt to different communicational roles, which requires a strong listening competence.

## 4 RESEARCH GOALS

In this dissertation, the concept of listening is approached from various perspectives. A link between the different approaches is the shared professional communication and listening context, legal context. One of the goals of the dissertation is to increase understanding about optimal listening from practical and theoretical perspectives. The theoretical approach from the perspectives of relational dialectics theory (Baxter, 2010) and social cognitive theory (Bandura, 1991) is important, because to my knowledge neither of these theories has ever been applied to listening, at least not in a professional context of courtroom communication. The dissertation also aims at both increasing the scope that these theories are applicable to and expanding the theory base that listening can be approached from. Thus, the following research question was posed:

*RQ1. How does the concept of optimal listening present itself in the theoretical framework of the study?*

Another goal of the study is to explore the structure and dimensions of professional listening competence and how it is used. Acquiring more information about it and its use offers valuable possibilities for gathering a more comprehensive understanding about the ways it affects the professional communication of legal professionals. Once the basis for this understanding has been constructed, it is possible to focus on profession-specific elements of it by examining professional listening competence in various professional fields. This goal led to the following research question:

*RQ2. What are the elements and dimensions of professional listening competence?*

The third goal of the study is to examine the relational tensions between interlocutors that actualize in listening relationships and the ways legal agents manage these tensions by using dialogic listening. Earlier research concerning the management of relational tensions does not present listening as a means to manage them, so this research goal responds to the lack of research both from the theoretical and practical perspectives. In order to examine the answer to this research goal, the following research question was posed:

*RQ3. How are tensions in professional communication relationships managed through dialogic listening?*

The last research goal is to reflect on the ways the relational tensions affect the professional listening competence and the connection that the professional listening competence and the use of human agency/self-efficacy has to well-being. The role of listening has been acknowledged as an important part of well-being at work (Shanafelt et al., 2005; Russell,



2008; Pekkola et al., 2010). However, the research has always been conducted from the standpoint of altercentrism (Haas & Arnold, 1995; Klagsbrun, 2001) whereas this research focuses on introspective experiences of legal agents and on their own possibilities to achieve a greater subjective sense of well-being at work. Therefore, the following research question was posed:

*RQ4. How is self-efficacy as a part of professional listening competence and optimal listening used to promote well-being at work?*

In addition, a cross-cultural point of view is applied to all of these research questions in order to raise awareness of the impact of the national communication culture on listening. The research questions of this dissertation are summarized in the Table 1.

Table 1. Research questions.

Research question
1) How does the concept of optimal listening present itself in the theoretical framework of the study?
2) What are the elements and dimensions of professional listening competence?
3) How are tensions in professional communication relationships managed through dialogic listening?
4) How is self-efficacy as a part of professional listening competence and optimal listening used to promote well-being at work?

The dissertation consists of four sub-studies that form the data sets that are used in the examination of the research goals of the dissertation. The sub-studies offered information about the following phenomena:

1. Optimal listening and relational tensions that affect Finnish judges' possibilities to reach it
2. Optimal listening, relational tensions and strategies to manage them in Finnish and US-American legal contexts
3. The elements of professional listening competence of Finnish and US-American attorneys, the use of human agency in the application of professional communication competence, and the contributions of these to well-being at work
4. The hierarchical structure of professional listening competence, its use in the taxonomic levels of listening, and the use of human agency in its application

## 5 DATA AND METHODS

The data for the research was gathered from Finnish judges and attorneys and American attorneys by using semi-structured interviews and online and pen-and-paper questionnaires. The data was approached both from data-based and theory-based perspectives and it was analyzed using some grounded theory methods.

### 5.1 Participants of the study

Judges and attorneys were chosen, because they communicate with the most amounts of people in legal settings. Participation was voluntary and the anonymity of the participants was guaranteed. Judges were chosen because in Finland, their communicational role has changed most drastically after the reform of judicial proceedings in the 1990s. Their professional communication has not been examined yet even though the way they communicate and listen can have a significant impact on the cases they condemn. Attorneys were chosen to represent the legal context as a professional group because they interact with and listen to the widest variety of people but do not play the most dominant role in managing interaction in the courtroom. Their communication takes place on both a vertical and a horizontal level as they communicate with superiors, colleagues, and clients, so their listening competence contains the features of listening to all hierarchical levels in a legal context. Finnish and American cultures which are Western low-context (cf. Gudykunst, 2001) cultures were chosen for this study to avoid the common Eastern and Western culture comparison between two different types of communication cultures. Even though they are both low-context cultures and expect the speaker to express himself or herself very explicitly (Hall, 1989), the differences in the national communication cultures and in the legal systems of the United States and Finland make the examination of professional listening competence interesting and meaningful.

#### 5.1.1 Finland: judges, attorneys

In this qualitative study, the Finnish participant samples were convenience samples in the manner that an invitation to participate in the study was presented and the ones who wanted to contribute did. The participation was completely voluntary, anonymity was guaranteed, and the participants indicated their consent by signing a consent form. The

Finnish samples consisted of 25 judges working in district courts and of 27 attorneys. Of the 25 judges, 17 were men and eight were women. Permission to approach judges was sought from the president of each randomly chosen district court. Most of the judges that were approached agreed to be interviewed for research purposes. The judges represent 5% of Finnish judges, so the sample can be considered to be sufficient.

The Finnish attorneys' participant sample was balanced with 14 females and 13 males who participated in the post-graduation educational seminars organized by the Ministry of Justice and Finnish Bar Association and agreed to answer to questions in a questionnaire.

### 5.1.2 The United States of America: attorneys

The American participant sample group, found through an attorneys' association, offered comparison data for three articles. It consisted of 76 attorneys. There were 69 female and seven male participants in the group. They were approached using various mailing lists of legal associations via e-mail. It is unknown how many attorneys received the invitation to participate.

## 5.2 Methods of data gathering

The data for the study was collected by using semi-structured interviews with Finnish judges, and questionnaires in a paper form and online questionnaires with American and Finnish attorneys. It would have been ideal if all the data gathering in both cultural contexts and in all participant groups could have been done by using interviews, but collecting a comprehensive sample in this way turned out to be impossible due to the time constraints and logistic reasons. The different data gathering methods that were used in this study will be discussed in the following subchapters.

### 5.2.1 Semi-structured interviews

The Finnish part of the data was gathered in two ways, by using semi-structured interviews (Appendix 1) that lasted approximately 60 minutes and a questionnaire that was in a paper form. The questionnaire will be discussed in the subchapter 5.2.2. A semi-structured face-to-face interview was chosen as a data gathering instrument because it has been proven to work well when the depth of the meaning is important and the goal of the research is to focus on gaining more insight and understanding (Gillman, 2000; Ritchie & Lewis, 2003). Interviews were considered to give the best insight into the self-assessment of the legal professionals regarding perceptions regarding listening and their listening competence. A critical and realistic approach to semi-structured interviews was taken as it has been shown

to allow the collaborative qualities of the research data to be recognized while the data maintains a belief in its validity in revealing both general and specific knowledge of the social world that forms the context of the interview (Banfield, 2004).

The questions in the interview were open-ended, and even though this question type requires more extensive coding, it was chosen to allow the participants spontaneously relate the perceptions they had regarding their listening skills and to produce a more diverse set of answers. The questions mapped out, for instance, what makes a good listener, what kind of a listener the judges considered themselves to be, what kinds of listening situations they have considered most challenging or easy and effortless, and what kinds of methods do they use to improve their listening. Judges were also encouraged to share real life examples. The participants indicated their consent by signing a consent form. The interviews were audio-recorded and transcribed verbatim, and the transcripts were checked against the audio files for accuracy. The data were analyzed as a collective qualitative data set.

### 5.2.2 Online and paper questionnaires with open ended questions

The rest of the data was gathered by using a qualitative online questionnaire or a paper version of it (Appendix 1). The questions in the questionnaire were similar to the ones in the semi-structured interviews. Even though online questionnaires are often used for quantitative purposes, they have proven to work for qualitative data gathering as well when the goal of the study is not to establish frequencies, means or other parameters but to determine the diversity of the research topic among the chosen participant group (Groves et al., 2004). In this study, the purpose for the data gathering was the same as with interviews, to gain a more comprehensive understanding about the ways legal professionals approach listening and evaluate their listening competence. The online questionnaires as well as the interview questions were approached in the spirit of Wester (1995, 2000) who defined a qualitative survey type of research as an application of a grounded theory with theoretical sampling and constant comparison involving several empirical cycles (cf. Jansen, 2010).

The American data were collected using an online questionnaire that was available in SurveyMonkey and had the same open-ended questions regarding listening in various professional situations as the interviews of the judges had. Participants were able to access the questionnaire after receiving a hyperlink in an email. Participation was completely voluntary and participants indicated their consent by answering the questions. There were no time restrictions in answering the questions. The data were analyzed as a collective qualitative data set.

The data that was collected from Finnish attorneys was collected using the same qualitative questionnaire sheet as the American attorneys responded to, except that it was in a paper form. The participants were attending courses that aimed at improving their professional communication competence and that were organized by the Ministry of Justice and Finnish Bar Association. Again, their participation was completely voluntary and they

indicated their consent by answering the questions, the time reserved for answering was not limited, and the data were analyzed as a collective qualitative data set.

### 5.3 Qualitative analyses

Qualitative approach was chosen for this study, because people's perceptions and understanding about their personal experiences in various contexts often are difficult to quantify, yet listening researchers must assess and evaluate also this part of human communication in order to develop the understanding about listening (Rich & Ginsburg, 1999). The qualitative approach was suitable also when considering that the data collected was self-perceived listening behaviors as it allowed taking it into account that sometimes what people say, and what they do, can differ. The somewhat artificial dichotomy between qualitative and quantitative methods (e.g. Bodie et al., 2012) is slightly blurred in this research, as the generalizability of the results is one of its goals and words such as "increase", "most", and "recurring" that have traditionally considered to be terms of quantitative research are used to describe the results of the narrative data analysis. However, the use of the term "qualitative" was considered necessary in order to position the research among various research strategies and to reach the goals that were set for the research. During data analysis of the qualitative material, answers for the research questions one and two were evaluated using a theory-based perspective as the use of the dimensions of listening competence and taxonomic levels of listening was examined. Answers for the research questions three and four were evaluated using a data-based perspective as the self-regulation mechanisms that attorneys use when applying the dimensions of professional listening competence and taxonomic levels of listening to their professional communication as well as the ways legal professionals can enhance their well-being at work were examined.

When the data for research questions one and two (see page 39) were evaluated, a theory-based perspective was used. The data was analyzed within a clear theoretical framework. However, it was not assumed that the data would necessarily cover all parts of the theoretical question that was analyzed. Similar coding as in the data-based coding (see next paragraph) was used, but the theoretical perspective guided the analysis of the data when it was searched for finding certain phenomena since theoretical sampling has been considered an important component in development of theories. An iterative sampling process that is based on emerging theoretical concept has been described by Glaser and Strauss (1967). According to them, it has the goal of developing a rich understanding of the dimensions of the examined phenomenon across a variety of settings and conditions. The theory-based method was chosen for a part of this study as it is best used when the focus is on the kind of theory and concept development that stems from or is connected to real life events (Glaser & Strauss, 1967).

When the data were evaluated using the data-based perspective (research questions three and four, see page 39), some grounded theory methods were applied for the qualitative

content analysis of the data. Given the inductive nature of the method, all means of coding were interlaced, but all answers were first analyzed using open coding (cf. Strauss & Corbin, 1990), and when the comparison of the data revealed that certain categories began to seem more established, questions were added both to the interview guide and to the set of questions in the online questionnaire (Appendix 1) in order to gather more information about them (cf. Glaser, 1965). Axial coding was used in a modified form to identify interrelationships among categories and subcategories (Glaser & Strauss, 1967). Finally, core categories were formed during selective coding by unifying concepts and subcategories (cf. Strauss & Corbin, 1990). In practice, all coding methods intertwined due to the inductive nature of the method. Notes and memos (see Appendix 2) about theoretical connections were created during the coding, and they also served also as a verification method for conceptual development (cf. Strauss & Corbin, 1990). Grounded theory strategies functioned well with the theory and data based approaches that were applied to the study as they offered means to access the examined phenomena and extract new information regarding it from various perspectives.

The summary of the research questions, data gathering methods, and analyses of this dissertation as well as the articles in which the sub-studies that the dissertation is based on can be seen in the Table 2.

Table 2. The summary of research questions, methods, analysis, and articles.

Research question	Method	Analysis	Article
1) How does the concept of optimal listening present itself in the theoretical framework of the study?	Interviews, questionnaires with open-ended questions	Qualitative content analysis	I, II, III
2) What are the elements/structure and dimensions of professional listening competence?	Questionnaires with open-ended questions	Qualitative content analysis	III, IV
3) How are tensions in professional communication relationships managed through dialogic listening?	Interviews, questionnaires with open-ended questions	Qualitative content analysis	I, II, III
4) How is self-efficacy as a part of professional listening competence and optimal listening used to promote well-being at work?	Interviews, questionnaires with open-ended questions	Qualitative content analysis	II, III, IV

## 6 RESULTS

In this chapter, the main results of the articles as well as the synthesis based on the results of the articles are presented. The results have been explained in detail in each article (I–IV).

### 6.1 Optimal listening and relational tensions

The goal of the first article was to explore the definitions of optimal listening and tensions that affect listening in courtroom communication. Even though relational dialectics has not been applied to listening research in professional communication relationships before, the results of the study suggested that relational tensions that exist in a communication relationship are not only related to the verbal production of the message but also to the reception of it, i.e., listening.

The findings indicate that, according to Finnish judges, optimal listening is best described through the concept of an optimal listener, which refers to a person who is highly content-oriented and understands listening to be an active, dialectic process. However, some people-oriented features were also included in the description. All the traits that the judges included in optimal listening were speaker-determined. This result was similar to a finding of a previous study (Purdy, 1997) that noted that an effective listening behavior in real-time listening focuses attention on the speaker and their expectations. According to the judges, when the speaker was the focus of their attention, they had to apply self-regulation strategies so that their listening could get as close as possible to the situational and complex construct of optimal listening.

The study also mapped out the tensions that affect optimal listening in legal professional communication. The findings suggest that, even though in relational dialectics, these tensions have usually been considered to be interpersonal, in listening situations they are both interpersonal and intrapersonal. In the process of listening, a lot of intrapersonal communication is required so that the appropriate response to the message can be produced. Therefore, the tensions in a listening situation exist both between and within the interlocutors. The intrapersonal tension that the judges experienced when they were thinking about optimal listening was caused by the contrast between their real listening and the ideal perceptions they had about listening.

The study examined how tensions related to judges' professional communication relationships affect their listening. The results indicated that a comprehensive tension is the struggle between the listeners' autonomy and the connection that they try to create

with the other interlocutor. In their communication relationships, the institutional task intertwines with their professional interest in their work and clients. These kinds of blended relationships (cf. Bridge & Baxter, 1992; Bauman, 1990) emphasize the dialogic nature of listening. The participants seemed to realize that even though the main reason for the interaction is the institutional task, it was possible to use listening for demonstrating acceptance and validation as well. The acceptance was related to the communication relationship, not to controversies between parties.

The study also focused on exploring the effect of tensions related to listening in professional roles. In general, these roles define the communication goals that guide listening. Even though the situation is familiar and predictable for judges, they still have to modify their own listening depending on the communication relationship they are participating in. The clear professional role lessened the relational tension between revelation and concealment from the judge's point of view. In courtrooms, they are the ones who control the interaction, so they do not experience the tensions caused by novelty in the same way that the parties do, and their professional role helps them to accept the non-reconciliation of some of the tensions.

The last phenomenon that the study focused on was the ways that tensions related to the professional communication competence of judges affect their listening. In contrary to the findings of previous studies (cf. Baxter, 2004; Gerlander & Kostiainen, 2005), the participants did not consider other people's attitudes toward them a factor that would have affected their own listening negatively. Their professional competence helped them to cope with the tension between autonomy and connection and to keep their personal emotions under control.

## 6.2 Cultural differences in relational tensions and in the management of them

The goal of the second article was to examine how legal agents define optimal listening in their profession, what kinds of cultural differences there are in relational tensions that actualize in professional listening relationships of legal agents, and how the tensions are managed in American and Finnish legal contexts. The results indicate that American participants mainly approached listening situations with a relationship-building attitude and they were less goal-oriented, whereas the Finns focused more on the professional goal of interaction and were less relationship-oriented. The tensions affecting listening seem to be interrelated, because the tension between the real and ideal is closely linked to other tensions. Dialectical contradictions are not mutually exclusive but intertwine.

The differences in the concept of optimal listening and what listening was used for among participants were related to culture and profession. Different contexts required different listener characteristics. This supports the notion that listening is a contextual



process. The narrow scale of role expectations dictates legal agents' listening. In American culture, in addition to this, a wider variety of expectations occurred due to the clients' expectations.

The results indicate that tensions between real and ideal, autonomy and connection, public and private, and equality and inequality were found in both cultural groups. This is in line with findings of previous studies (cf. Aultman et al., 2009; Bauman, 1990; Gerlander, 2003). Overall, legal professionals seem to listen to their clients with these tensions in mind in order to increase the collaborative processes of interaction. Legal professionals tend to prefer a clear professional role, as it seems to lessen the tensions that a dual-role as a professional and a caring listener would bring about. The clearer the professional role was, the less other tensions there were, except the tension between equality and inequality that occurred. This tension can be considered interactional, occurring in the listening situation between two people, and contextual, being caused by the organizational structures, and it seems to go through some contextual-level changes depending on the formality of the communication situation.

In addition to tensions that both cultural groups shared, the tension between novelty and predictability seems to have a major impact on communication in Finnish trials. They considered it a sign of professional competence to take the distress that clients' may feel in a new communication situation as well as the effects of this tension into account in order to meet both individual and collective, i.e., professional, goals of interaction. The American participants experienced the tension between instrumentality and affection, and they indicated to understand that it was unavoidable in listening relationships.

The findings indicate that among the two cultural groups, several similar strategies were used for managing the relational tensions. The tension itself seemed to be the reason for choosing a certain management strategy rather than the prevalent communication culture. Participants in both groups accepted the occurrence of tension between real and ideal when people with clashing interests interact so they used reaffirmation to minimize its effect. The segmentation and integration strategies were used to manage the dialectical relationship in practice and guide the communication toward the situational goals. These strategies indicated a systemic mode of listening-related thinking, because by making one end of a tension important at a time and selecting the tension needing attention in a particular situation, participants negotiated the dynamics of the interaction, improved the functionality of it, and lessened the impact of these tensions. This indicates that the study also contributes to the dialectical theory, because the findings tap into the core concept of relational dialectics (cf. Baxter, 1990): communication is a process, so an understanding about it can only be reached if the focus is in the process.

### 6.3 Professional listening competence and well-being at work in the legal context

The goal of the third article was to explore the connection between listening and well-being at work in legal context through the concepts of listening competence, dialogic listening, and self-efficacy. The findings are interesting both from theoretical and practical perspectives, because they enable a more refined construction of the concept of professional listening competence as well as a development of a model that indicates the connection between strong professional listening competence and an elevated subjective sense of well-being at work. The culturally comparative perspective was applied as well to the examination of the data.

The findings indicate that professional goals guide listening in a professional context to the extent that the traditional definition for listening competency that focuses on the communication and calls for cognitive skills, affective capacity, and behavioral models is not adequate enough to cover the required skills, and thus, the contextual requirements have to be taken into account.

The findings suggest as well that the participants recognize the need for dialogic listening in their professional communication and aim at being in a direct, honest, and genuinely dialogic listening relationship. This indicates that dialogic listening should be included in the concept of professional listening competence. Especially the dialogic features of listening authentically, sustaining attention, creating a supportive communication climate, and letting the speaker communicate freely are an important dialogic part of an attorney's listening competence.

The findings also indicate that the use of human agency can be seen as an important factor when constructing the concept of professional listening competence. Out of the three agencies, personal, proxy, and collective, the use of proxy agency was not detected in this study. The personal agency was actively applied in both cultural groups, and there seemed to be a demand for the use of collective agency so that listening could be used for achieving professional objectives with less effort. All features of human agency were proved to be applicable for improving listening and achievement of the professional task, and thus, it should be included in the components that form the professional listening competence.

The components of professional listening competence, i.e. listening competence, professional requirements, dialogic listening, and human agency, enable the examination of professional listening from cognitive, affective, behavioral, professional, interactional, and personal perspectives. The findings suggest that professional listening competence promotes subjective sense of well-being at work. When listening competence assists attorneys in achieving the professional goals either individually or collectively, their sense of self-efficacy increases.

Attorneys indicated to express great amounts of job-satisfaction related stress if they were in the role of a listener and were not able to steer the interaction toward the professional goal using their self-regulation. In these situations, the organizational (for Finns) and

interpersonal (for Americans) influences that formed the network for attorneys' personal agency did not respond in the way the forethought constructed by their personal agency assumed. This caused their psychological orientation clash with the social reality in which the assumedly dialogical listening situation actualized, because participants reflected their own capabilities as listeners and acknowledged that they were unable to listen as efficiently as they would have wished for.

## 6.4 Dimensions of professional listening competence in the legal context

The goal of the fourth article was to increase theoretical understanding about listening competence in the professional context of attorneys as well as to examine using a data-based approach the self-reactive mechanisms that attorneys apply when they use their personal agency as a part of their professional listening competence. In addition, the perspective of well-being at work was included in the examination of the results. The findings suggest that there is a major difference in how the dimensions of listening competence should be approached depending on whether it is the listening competence in general (Wolvin & Cohen, 2012) or the professional listening competence that is under the examination. The difference can be seen in Figure 1.

Traditionally, all five dimensions of listening competence, cognitive, affective, and behavioral, contextual, and ethical, have been considered equal parts of the listening competence (Wolvin & Cohen, 2012; Halone et al., 1998). However, when examining

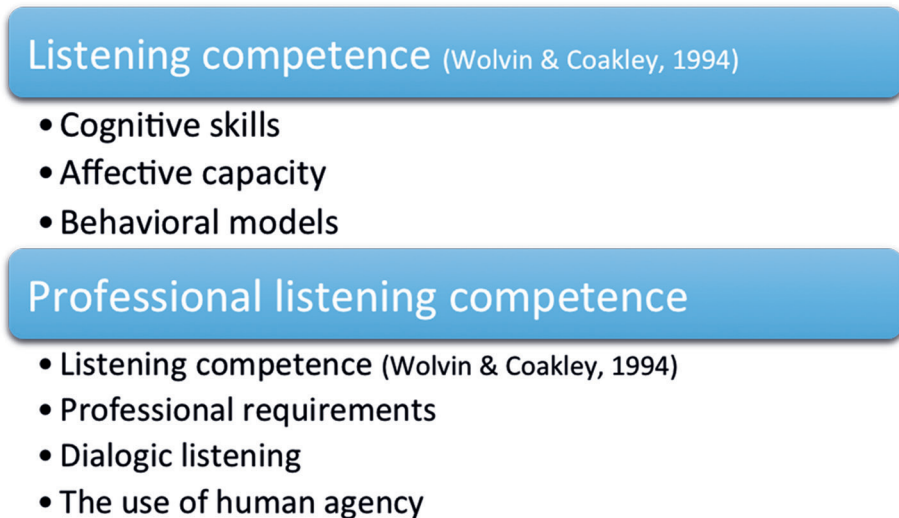


Figure 1. The comparison of traditional listening competence and professional communication competence.

listening competence from a professional perspective, the contextual dimension seems to be the foundation that the other dimensions build on. The professional listening context partially defines the cognitive dimension, and affective and ethical dimensions have more restricted effect on the entirety, because the work context guides the choices of how listening is valued and why it actualizes in the situation. There may be some variance in the effect of these two dimensions depending on the professional context, but in legal context, their role is more marginal than the role of other dimensions. The behavioral dimension is built on top of the other dimensions. Due to its observability, it often defines what is understood as a professional listening competence, but the effect of contextual dimension on it is as overpowering as its effect on other dimensions. Since attorneys in both cultural contexts use all dimensions in their professional communication, their professional listening competence covers all areas of interaction and increases chances to meet the listening objectives. Thus, their listening competence promotes their well-being at work.

According to the findings, organizational communication culture has a major impact on the taxonomic levels of listening. The effect of it on the base level is so strong, that it defines what kind of information attorneys seek for when listening. On the higher order level, it steers their listening towards critical listening, even though there are cultural differences in what the critical attitude is aimed at, and on the attending behaviors level, it also suggests the ways listening is indicated. This indicates that the professional role guides attorneys' use the higher order level and attending behaviors level when they listen and shows that their professional listening competence meets the professional objectives. In addition, the use of higher order level may have less importance when constructing professional listening competence, because the professional role of attorneys limits the self-regulation mechanisms that are available for them. Cultural differences in the use of a higher taxonomic level of listening reveal how well attorneys have adapted to the effect of a national communication culture on the professional listening objectives.

The findings of the study suggest that since attorneys use agentic perspective in all taxonomic levels of listening, there is a profession-based call for active, self-regulated listening. This approach to seeing a listener as an active, self-empowered participant in interaction who can have a great impact on the subjective sense of well-being challenges a traditional approach to listening in which a listener has been seen as an enabler of other people's well-being at work through his or her listening instead of as an enabler of his or her own higher sense of well-being (cf. Abe et al., 2013; Ha & Longnecker, 2010). In addition, the ethical dimension was only marginally included in the use of human agency, but all other dimensions of professional listening competence had to be taken into account when regulative mechanisms of intentionality, forethought, and self-reflectiveness were applied.

## 6.5 Summary of the main results

According to the results, professional context defines the features of the professional listening competence. The central role of the context was evident in all sub-studies. The features of listening that were considered optimal in legal context stemmed from the professional communication relationships, task, and roles, the relational tensions that affected optimal listening were both context-related as well as culture-related, and the strategies that were used to manage these tensions were also chosen by the legal agents in a manner which indicated that the professional objectives guided their listening.

Another feature of professional listening competence that was emphasized in all sub-studies was the need for dialogic listening. The definitions of optimal listening suggested that legal agents' goal was to reach a genuinely dialogic listening relationship and the strategies that were used to manage relational tensions were based on dialogic listening. The aspect of well-being at work was emphasized through the importance of dialogic listening, because it seemed to increase the efficiency of interaction and thus, eased the possibilities to reach the professional objectives.

The concept of human agency was noticed to be an essential part of the professional listening competence. The results suggested that the network for legal agents' personal agency was culture-related, because for Finns, the organizational influences that caused their orientation to the situation clash with the reality caused plenty of stress that they managed with personal agency whereas for Americans, the same influences stemmed from interpersonal sources. When legal agents were actively able to use their listening to affect the communication and reach the objectives they had set for it, their sense of self-efficacy, and thus, their subjective sense of well-being at work increased.

The hierarchical structure of the dimensions of professional listening competence was detected in both Finnish and American cultural groups. Even though the professional listening competence of legal agents consist of certain dimensions that are in a hierarchical relationship with each other, the effect of the prevalent national communication culture has caused them to emphasize the use of the listening competence on certain taxonomic levels so that meeting the professional objectives would be possible.

## 7 DISCUSSION

The goal of this dissertation was to increase understanding about listening in professional context. The perspective was both theoretical and practical, because the knowledge that this study has produced can be applied to practice in legal context, and thus, the study offers concrete ideas how legal professionals can improve their professional listening competence and manage it more efficiently in a manner which enables them to increase their feeling of self-efficacy in reaching the professional objectives and to promote their subjective sense of well-being at work. Even though the sub-studies of the dissertation were conducted in a legal context, the approach and applied methods of it can be used in other professional contexts as well. Despite the fact that the legal context is a unique listening environment, the general ideas and models of professional listening competence that were found in the study – and professional listening's link to subjective sense of well-being at work – can be generalized beyond the profession, because they offer new theoretical perspectives to the examination of professional listening and proved that the theoretical frameworks of relational dialectics theory and social cognitive theory are applicable also to professional contexts. Next, conclusions are drawn about the contribution that the theories used in sub-studies can give to the theory of listening, about the relationship of optimal listening, professional listening competence, and culture, and about the practical applications of managing relational tensions using the professional listening competence in order to promote the subjective sense of well-being at work.

### 7.1 Optimal listening in the theoretical framework of the study

#### 7.1.1 Orientation to optimal listening

The results of the study indicate that legal professionals have a tendency to direct their listening behavior toward the optimal model that they have about listening. The features of this ideal are not fixed but vary depending on the listening situation. The ideal model also often seems to be implicit, so professionals have *tacit knowledge* about what kind of listening they should aim at in a certain situation. This term has been used in a previous research for referring to the knowledge that an expert is unconsciously using to make intelligent choices even though he or she cannot always verbally explain the reasons for this behavior (Polanyi, 1966; Jännes et al., 2013). This finding gets support from a previous study in which it was found that the orientation to a communication situation is based

on the previous knowledge and experiences of the interlocutor and it is updated in new communication situations (Fitch-Hauser, 1990).

A previous study (Ala-Kortesmaa et al., 2011) has also indicated that national communication culture may affect the idea of optimal listening, as listeners in the Finnish legal context have been noted to select facts from irrelevant information, whereas American legal professionals have shown to value listening relationships. Thus even though the national communication culture and organizational culture seem to have an effect on listening orientation which can be seen in how optimal listening is understood, the results of the current study indicate that both Finnish and American legal agents considered optimal listening a dualistic, dialogic process. An optimal listener is an active doer in the relationship with the speaker. As it was noted in the sub-studies I and II, the orientation to listening varies depending on the cultural background, but based on the results of this study both content-oriented (Finns) and people-oriented/relationship-oriented (Americans) approaches to listening that legal agents use to manage their professional listening relationships and to reach the professional goals indicate that they use a variety of self-regulation methods to modify their listening as close as possible to their concept of optimal listening. It is highly likely that this result – i.e. understanding listening as a dualistic, dialogic process that can be used to manage listening relationships and to reach professional goals – can be generalized and applied to various professional contexts. From the perspective of the theoretical framework of this study, this is an important link between social cognitive theory and relational dialectics theory and offers a dialogic starting point for the further conceptualization of listening.

It is interesting that even in situations in which legal professionals state that they have not thought about the connection between their listening behavior and their perceptions regarding optimal listening, their listening behavior seems to vary depending on what the listening situation calls for. This indicates that even though listening is not taught as a communication skill during their undergraduate and graduate studies (Välikoski & Ala-Kortesmaa, 2014), there is some element in their work that guides them to adopt a listening orientation that matches with the occupational requirements of their field. Their listening orientation seems to be clearly two-fold: when they discuss the ways listening can be improved, they adopt a self-oriented approach to listening and bring up strategies that they use to enhance their listening, but when they discuss listening as an interactive process, they take a stance that is other-oriented and become easily aware of the thoughts of the other interlocutor and relate to them.

### 7.1.2 Combining relational dialectics theory and social cognitive theory

The results suggest as well that when listeners exercise control over their listening behavior either by engaging the personal agency, collective agency (Bandura, 2001), or various tension management strategies (Baxter, 2004), they unconsciously bring the theoretical models of

the social cognitive theory (SCT) and relational dialectics theory (RDT) into a practical level and actively apply the strategies they present into professional communication. By examining how both can be applied to listening research it is possible to understand the dynamics of professional listening competence more profoundly.

The results of this research indicated that the theories of relational dialectics and social cognitive theory intertwine, when the ways in which legal agents aim at reaching the optimal listening are examined. When legal agents engage self-regulative behaviors suggested by social cognitive theory in the management of relational tensions that the relational dialectics theory focuses on, the concepts of communication theory are applied to a psychological framework. Thus, it becomes obvious that listening theories that are developed further are inevitably interdisciplinary. In addition to promoting to the development of the theory of listening, this study proves that, in general, relational dialectics theory is applicable not only to personal relationships but to professional contexts as well, and that the self-regulative strategies of social cognitive theory can be engaged with listening behaviors as well and not only with verbal communication behaviors. The generalizability and applicability of this new theory combination to various contexts may play an integral part in how the role of listening competence as an integral part of professionalism is understood and approached in the future.

In addition, tension management strategies (RDT) can be seen as a form of using the personal agency in order to engage a more optimal listening behavior. This indicates that in a professional context, listening is a process that operates on multiple levels and has multiple purposes in a communication situation. Through the RDT listening can be seen in a professional context as a means to understand, manage tensions, bond, and enhance the subjective sense of well-being at work, which gives a new perspective to listening as it has been understood more traditionally as a means to comprehend, discriminate, be critical, appreciate, and be therapeutic (Wolvin & Coakley, 1993; 1996). The professional context in which the participants have similar communication goals encourages the interlocutors to engage more cohesive listening behaviors, because they are likely to find them effective and functional with each other. In turn, this strengthens the relational aspect of the professional listening relationship and emphasizes the fact that listening is an interactive process that has the dimension of content and the dimension of relationship (Watzlawick et al., 1967).



## 7.2 The elements and dimensions of professional listening competence

### 7.2.1 The profession specific features of listening competence in the legal context

The results of the study suggest that cognitive, affective, and behavioral elements that have been noted to create the listening competence (Wolvin, 2010) do not sufficiently cover the features of a professional listening competence. The professional context brings along not only professional communication relationships but also the organizational and cultural communication cultures and requirements attached to them, and thus, specific elements have to be added to the description in order to be able to describe the professional listening competence more profoundly. The tripartite of cognitive skills, affective capacity, and behavioral models forms only one of the four elements of professional listening competence. The other elements are specific profession-related communication skills, dialogic listening including both the behavior aiming at it and the ability to recognize it, and the use of human agency which all can be used to individually and collectively achieve professional goals that have been set for the listening relationship. This was noted in the sub-study III, and the results of this study indicate that when professional listening competence is discussed, it is important to emphasize the distinct nature of these three other elements instead of including them in the traditional definition of listening competence, because the traditional tripartite can be seen as a basis for all listening whereas these three elements add the perspective of professionalism to listening. Profession-related communication skills include the distinctive communication features of various professions such as the ability to use different means of communication or profession specific terms and to engage in the discourse of the field appropriately. The ability to use dialogic listening as well as human agency also are separate from any other elements of professional listening competence as they rarely are requirements for professional listening but definitely deepen the competence if they are applied to a listening situation. The features of professional listening competence are summarized in Figure 2.

When the professional listening competence of the legal agents was examined from a theoretical perspective in the sub-study IV, it became evident that their professional listening competence is hierarchically constructed by using different dimensions of listening competence. This finding of the study differed drastically from the findings of previous studies that suggested no hierarchical structure between dimensions of listening competence (Wolvin & Cohen, 2012). The effect of the contextual dimension on all other dimensions of the listening competence was really strong, which was something previous research did not indicate. The results of this study suggest that at least in an organizational culture, in which the communication is formal and guided by strict norms, the influence of the professional context on listening should not be underestimated. The result also indicate that the elements of the listening competence that were discussed above may have different emphasis in different organizational cultures. For instance, in a legal context, the professional requirements may have a different effect on the use of human agency

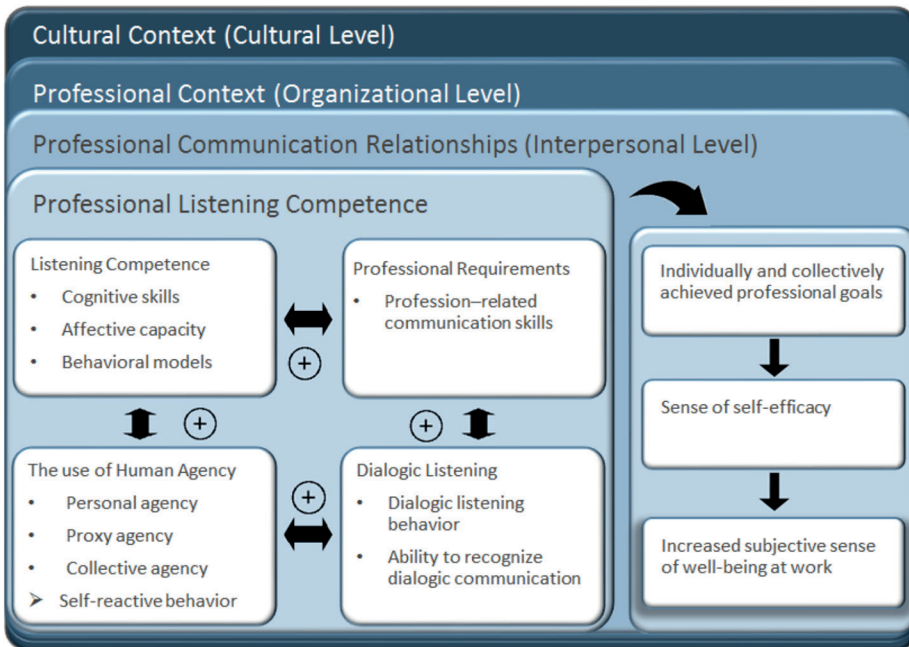


Figure 2. Professional listening competence promotes well-being at work.

than in an educational context, in which the use of proxy and collective agencies may be a lot stronger. At the same time, the effect of the affective dimension may be slightly less significant than in an educational context, because in a legal context, listening is one of the main tools for reaching the professional objectives whereas in an educational context, the emphasis may be even more on the behavioral dimension due to the fact that when interacting with children, the relevance of being able to express oneself particularly clearly may be emphasized in order to enable the fulfillment of the professional goal.

## 7.2.2 The awareness and self-evaluation regarding professional listening competence

The results of the study suggest that legal professionals are relatively aware of what they consider optimal listening to include. This notion is in line with the findings of a previous study (Bodie et al., 2012) in which it was found that people are usually able to describe what includes in a good listening competence of others. However in Bodie's study it was not examined if people recognize the level of their own listening competence. In this study the evaluation of how well legal professionals feel like they reach the optimal level of listening was explored. The results indicate that when all the elements of professional

listening competence are adequately used, they seem to produce listening that matches legal agents' perceptions about optimal listening.

The expressed awareness of one's own listening competence points towards Bandura's (1977) notion that when people know what is expected of them in order to accomplish a task, they are likely to self-evaluate their competence properly and as a result of that gain a stronger feeling of self-efficacy. According to him, the stronger efficacy expectations people have regarding themselves, the more likely they are to evaluate themselves as capable. The results of this study support this finding that the more aware the legal professionals were about the requirements of their profession, the more they seemed to have thought about the listening behavior that would help them in reaching the goals, and the higher perceptions they held about their professional listening competence. This can be noticed, for instance, in the fact that the legal professionals in both cultural groups of the study clearly aimed at the optimal level of listening and seemed to be relatively well adjusted to meet the profession-specific requirements by including all these elements that form the professional listening competence into their listening. It became evident that they had no formal training in listening, but most of them mentioned that they had used the learning-by-doing method to acquire the kinds of listening skills that their profession called for. This may be something that should be taken into account in their education, because as efficient as learning from others can be, it can also inadvertently transfer negative, less desirable behavioral models that promote less efficient listening results.

Even though this finding of the study holds its value particularly in a legal context, there is no reason to assume that it would not be applicable to other professional contexts as well. Each professional context has its own specific features and requirements, but the core function of professional interaction and listening as a part of it is, in general, the same. Another strength that the model has is that it allows the nuances and differences in organizational and national communication cultures exist and even welcomes them when professional listening competence is critically examined. Thus, it is applicable to different kinds of organizations as well as to high-context and low-context communication cultures.

## 7.3 The management of professional communication relationships through dialogic listening

### 7.3.1 Detecting relational tensions

Based on the results of this study, using dialogic listening is a cross-cultural feature of professional listening competence in regards to managing relational tensions. The legal professionals seem to be active in applying dialogic listening to their professional communication and open towards the goals of the listening and tend to focus very carefully on ensuring that the meanings that they create in interaction are mutually understood and shared.

The examination of communication relationships in a legal context confirmed that legal agents regularly face challenging listening situations in which optimal listening is hindered for various reasons. In such situations they seem to focus on the listening situation from the perspective of dialogic listening in order to detect the relational tensions which occur in most listening relationships. This may increase their ability to develop greater competencies to manage it and reduce the amount of work-related stress they experience. When the listening situation is understood as a dialogic process, the factors that complicate reaching the level of optimal listening are possible to detect. When they are recognized, legal agents engage the use of human agency, mostly personal and collective agency, in the listening situation. By activating various self-regulation strategies such as forethought, intentionality, and self-monitoring, they are able to apply dialectical strategies to the listening situation and, thus, successfully manage relational tensions. The process is summarized in the Figure 3.

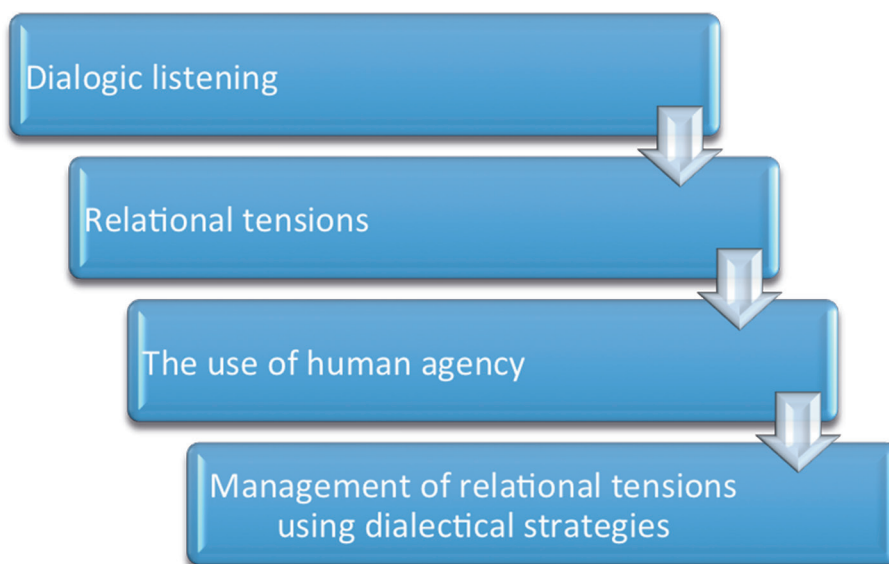


Figure 3. The management of relational tensions through dialogic listening and the use of human agency.

The results of the study indicate that after the legal professionals apply dialogic listening to challenging listening situations, they actively manage relational tensions that affect their ability to listen optimally by applying dialectical strategies of reaffirmation, recalibration, segmentation, and integration. When the detection and management of these tensions is observed from the standpoint of professional listening competence, two elements of it are clearly emphasized: the dialogic listening and the use of human agency. Since relational

tensions can be detected in all professional communication relationships (Gerlander & Isotalus, 2010), there is a reason to assume that there is a call for dialogic listening in other professions as well and that the management strategies of them are similarly constructed despite the field of profession.

### 7.3.2 Dialogic versus active listening in the legal context

Based on the results of this study, dialogic listening seems to be a natural choice for a lot of legal professionals. They use it unconsciously in most of their professional communication. However, they do not seem to be familiar with the term *dialogic listening* but instead use – slightly misleadingly – the term *active listening* when they describe anything they do that is related to listening, whether it is the manner in which they listen or the attempt to focus on listening or an intention to keep their distance from emotional views or perspectives of the speaker. In a way, their definition is correct, however, it does not include some of the features of dialogic listening that they use when they listen in their professional context. For instance, in order to listen successfully in the legal context, it is important for especially attorneys to understand their clients' motives and standpoints. When a listener engages dialogic listening in the communication situation in the legal context, it encourages the speaker to express themselves in a manner that allows as broad disclosure as possible. Paraphrasing in an interpretive way, asking specifying questions, and adopting the perspective of the speaker without forgetting their own perspective of the matter enable legal agents to explore the context that creates the framework and motives for the speaker's self-expression. This is particularly important in a situation in which different tensions such as the tension between novelty and predictability may hinder the self-disclosure of the speaker as well as in situations in which the speaker may be in a vulnerable state of mind either due to his or her age, possible cognitive limitations, or the nature of the crime that is discussed. Contrary to the notion suggested by Barkai (1984), active listening is not always the most functional choice for this kind of listening. The paraphrasing without interpretation of what is being said that is used in active listening may get speakers to feel that they have been heard but not understood which may encourage them to shut down, and the way listeners are supposed to distance themselves from the situation may not enhance the quality of the conversation as much as genuine empathy of dialogic listening would. This does not mean that legal professionals forget their professional role in the situation; it allows them to apply their listening competence in order to express an appropriate amount of empathy even in the professional situation.

The findings of the study indicate that dialogic listening allows legal agents to get a full understanding of the situation and use their personal agency to manage the professional listening relationships and lessen relational tensions that actualize in them. Thus, dialogic listening can be seen to function similarly as active listening does when it aims at building an atmosphere of equality and acceptance (cf. Rogers & Farson, 1987). Legal agents actively

engage dialogic listening to their professional communication situations, because they acknowledge the speakers' need to be heard and know that fulfilling this need will work for the favor of meeting the professional objectives. This finding differs from findings of a previous study (Stewart & Thomas, 1995) that indicates that at times people avoid dialogic listening as they may find it to be too time consuming, awkward, manipulative, and too demanding in regards to how much effort and attention it requires.

Even though legal professionals seem to use dialogic listening rather conveniently, the less accustomed ones may feel hesitant to increase the amount of it in their professional listening. In certain situations the hesitation may be justifiable as some features of dialogic listening make it somewhat challenging to use. For instance, tight schedules of legal professionals may make it difficult to reserve plenty of time for proper dialogic listening. However, a previous study by Stewart and Thomas (1995) indicates that dialogic listening actually takes half of the time that an inefficient communication would take. The results of the current study show that some legal professionals also find it hard to invite the other interlocutor to use the same method of listening. They state that sometimes their clients are not willing to invest a lot of time and effort in the interaction, so sometimes other methods than dialogic listening are needed. This indicates that listening is not an automatic process in which people naturally engage themselves but it requires conscious effort. This finding is contrary to the finding that active listening scholars have discovered as they have noted that a person who has been listened to using active listening techniques would automatically change and adapt to using some of these techniques in their own listening strategies (Rogers & Farley, 1987). In the future research, it may be beneficial to explore the use of dialogic listening especially in professions in which adults interact with children and people with mental disabilities, because it seems to function well at least in a legal context in crossing the gaps that are created by relational tensions, limitations in delivering the message, and challenges in understanding the topic of the discussion.

## 7.4 The role of self-efficacy in promoting well-being at work through listening

### 7.4.1 Profession specific features of the use of human agency and self-efficacy

The results of the study suggest that in a professional context, legal agents listen to others with the professional objectives in mind. It can be said that there is a profession-based call for self-regulated listening. Legal agents know what type of listening will give them the best possible results in a listening situation, and they consistently direct their listening behavior in order to meet the objectives they have set. The results indicate that a lot of this behavior is based on tacit knowledge (e.g. Polanyi, 1966; Jännes et al., 2013). It seems like a lot of the knowledge that legal professionals have about listening becomes explicit only after they

evaluate their own competence. The tacit knowledge directs them to use profession specific features of the human agency and self-efficacy in their professional listening. For instance, the results of this study indicate that sometimes when attorneys focus on finding the facts from the irrelevant information, affective self-regulation methods may feel unnecessary. This lack of a self-regulation mechanism of affective self-reaction among Finnish participants is related to tacit knowledge as it indicates the profession-specific use of higher order level in listening taxonomy. However, listening to communication partners in a relationally competent manner is essential also in a fact-focused organizational environment. Since the agentic perspective was used in all taxonomic levels of listening, it proves that legal agents are active, responsible, and self-empowered listeners that sensitively respond to the needs of their profession. This is an important perspective to strategies that increase the subjective sense of well-being at work in all professional contexts.

However, in the most challenging listening situations this comparison with professional goals may predispose legal professionals to listener's burnout (Lewis & Manusov, 2009) and have a lowering effect on attorneys' sense of self-efficacy, because they have very few possibilities to persevere with their personal agency in the face of challenging listening situations. This, in turn, may have a negative impact on their subjective well-being at work, because Bandura (1994) suggests that a high assurance on person's own capabilities enables them to approach difficult situations as challenges and thus, gives them a sense of coping that directly enhances the sense of well-being. However, in these situations the nature of legal professionals' work that limits their exposure to disclosed distress may protect them from the negative effects of listening such as the listener burnout (Lewis & Manusov, 2009).

The professional role of legal agents also tends to limit the intensity of self-regulation mechanisms available for them. Since court work is strictly guided by procedure and behavior codes, even though legal professionals are able to include intentionality, forethought, self-reactiveness, and self-reflectiveness in the available set of strategies, the ways that they can verbally and nonverbally express these mechanisms of human agency are subdued. This differs significantly from other professions in which communication is not as closely controlled. It seems like legal professionals interpret these rule structures of their professional communication system similarly in both cultural context of this study, because their perceptions about the use of human agency are very similar and both cultural groups use the self-regulative strategies that do not require a lot of verbal disclosure such as forethought and self-reflectiveness the most. The fact that despite this restriction legal professionals actively use human agency and self-efficacy in their professional listening suggests that they also take care of their own self-development and self-renewal that are closely related to the subjective sense of well-being at work.

The results of the study indicated that dissonance between the organizational and interpersonal influences that form the network for legal professionals' personal agency and the concept that they had created about the situation in advance in their mind caused stress for them. It would be interesting to examine if other professional groups express

similar friction between their psychological orientation and social reality, because if they do not, this may indicate that the professional standards of legal agents direct them to use forethought more as a means of applying personal agency than others do. The traces of the demand for the use of collective agency as well seem to give emphasis for the likelihood of this notion.

#### 7.4.2 The self-empowering element of listening

This study indicates that that a listener can drastically improve the efficiency and functionality of a conversation from his or her own perspective and thus the perspective of listening is an important factor when various elements that contribute to the professional well-being are examined. The sense of empowerment and self-efficacy are significant factors that promote the sense of well-being, so it is professionally and personally beneficial if a listener can improve the quality of his or her own listening. This finding differs from the findings of previous studies (Haas & Arnold, 1995; Klagsbrun, 2001) that have focused on an alternative perspective to listening and studied how a listener can improve the sense of well-being of the speaker through his or her listening. There is no reason to exclude the positive effect of self-development when the role of listening in a communication relationship is analyzed.

The results indicated that when the listening competence assists attorneys in achieving the professional goals either individually or collectively, their sense of self-efficacy increases. This, in turn, may contribute to a stronger subjective sense of well-being at work, because previous research has suggested that in other professional communication contexts, there is a link between communication and job satisfaction (Blegen, 1993) and that situationally appropriate communication styles contribute to job satisfaction (Cocling & Cukr, 2000). In this research, it is suggested that this result can be applied to all professional contexts. Even though the finding stems from the legal context, it can be assumed that when listening competence promotes professional achievements, it also has a positive effect on the professionals' feelings of self-efficacy.

The results suggest that legal professionals adopt the agentic perspective on listening very early on in a listening relationship and are very proactive in using self-motivators in order to achieve professional goals. As the previous research (Wheless et al., 1984; Pekkola et al., 2010) has noted, achieving the professional goals increases workers' sense of job satisfaction and makes the work more meaningful for them because oftentimes, work is not only done for financial interests but also for self-development as well. The findings in the current study indicate that when this is done, legal agents feel that they are actively doing something to promote their well-being at work, and this notion seems to be enough to elevate their sense of self-efficacy. In turn, this leads to higher subjective sense of well-being at work whether the professional objectives are met successfully or not. This indicates that



in the legal context and most likely in other professional contexts as well, there is a positive connection between optimal listening and self-efficacy that promotes well-being at work.

In addition to practical contributions, the results of the study also broaden the scope of the research that focuses on examining the subjective sense of well-being at work and job satisfaction. When the strategies that the RDT and SCT suggest can all be considered to aim at promoting subjective sense of well-being at work, despite the cultural differences, listening can be conceptualized also as a relational resource. Legal agents use the human agency and self-efficacy to apply suitable listening and tension management strategies to their listening, and by doing that, they often bring their psychological orientation closer to the structure of the social system, because certain organizational and cultural norms require that in order to accept listening as situationally efficient. In professional communication relationships, listening is a way of getting things done, and when these relationships are burdened by as little amount of tensions as possible, they enable the self-efficiency and empowerment of professionals.

## 7.5 Conclusions

One of the most significant findings of the study is the fact that listening can be actively used to improve the quality of one's subjective sense of well-being at work. This perspective has not been examined before to my knowledge as the listening research has traditionally focused on how other people's well-being can be improved by enhancing the listening skills of a person that interacts with them. The results of this study indicate that a general theoretical model can be constructed to demonstrate how a person can experience greater amounts of subjective sense of well-being in their professional context by being more aware of the profession specific features of their listening competence and by using it to reach their professional goals and increase the experienced feeling of self-empowerment. The theoretical model of the connection between the professional listening competence and subjective sense of well-being at work is illustrated in Figure 4.

In praxis, this means that when people apply the professional listening competence in their professional communication relations, they often engage self-reflective strategies as they want to improve their possibilities to reach the level that they consider optimal in the listening situation. They start, for instance, with reflecting the parameters that they include in the concept of optimal listening and then continue by analyzing the listening relationship and detecting possible relational tensions in it. Then they use their human agency, in legal context referring mainly to personal and collective agencies, in order to select the relational tension management strategies that they want to use to reduce the tensions they have detected. Finally, they reach the desired outcome and feel that by using their self-efficacy they have managed to reach the professional objectives they had set for their listening, and thus, they feel empowered and that leads to an elevated subjective sense of well-being at work.

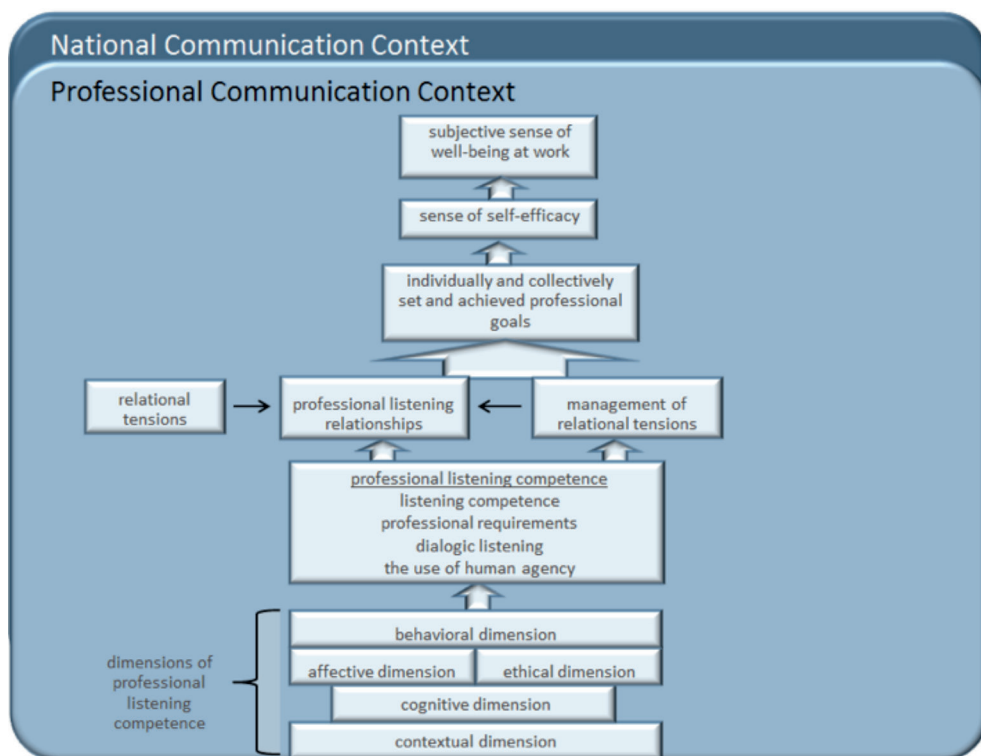


Figure 4. Professional listening competence promoting the subjective sense of well-being at work.

The results of the study also suggest that there are no reasons for listening to be marginalized in the research focus of communication research. Even though legal communication formed the context of listening in this study, the findings can be applied in a modified form to other professional contexts as well. The results indicate that theories of both communication and psychology are applicable to the data that covers listening, which is the less observable part of the communication process if compared to verbal communication. The interdisciplinary use of theories in the examination of listening shows that there is plenty of room among the theories that have been used when constructing the concepts of and definitions for listening, and thus, this research does its part in addressing new perspectives to listening theories.

In addition, the results indicate that the concept of listening competence is not quite sufficient when examining listening competence in the professional context, and thus, two models (see tables 3 and 5) were developed to illustrate what kinds of elements belong to the professional listening competence and how the dimensions of listening competence build hierarchically on the conceptual dimension of listening. When these two models, that are applicable to various professional contexts, are used in the examination of professional

listening competence, it is possible to reach a relatively comprehensive overview about the factors that contribute to listening efficiently and appropriately.

## 7.6 Evaluation of the research

The study aimed at increasing knowledge about listening, developing the theory of listening further, and understanding in a larger scale the contributions that strong professional listening competence may have regarding people's subjective sense of self-efficacy and well-being at work as well as their job satisfaction. A qualitative approach was chosen for this task, because it offered means to examine the elements and structure of listening competence as well as the ways it was used to promote positive listening experiences and increase the subjective sense well-being at work. Even though qualitative research is relatively new to listening research, it made sense to use it when the goal was to assess subtle information and enhance a knowledge base, because even legal professionals themselves use qualitative methods such as interviewing, observing and evaluating when they listen to and interact with clients and colleagues. Qualitative research often seeks to understand the topic from inside out and focuses on a behavior of a limited sample group to better understand the universal (Rich & Ginsburg, 1999) so it matched the purposes of the study perfectly as it afforded an opportunity to examine how awareness of one's own listening competence can improve legal practitioners' well-being at work, because perceptions of one's own listening cannot be observed from the "outside" by conventional objective means.

In this study, the evaluation of the research is done by combining two perspectives: the traditional approach to key issues of qualitative evaluation (Fossey et al., 2002) and the more modern approach to the evaluation process (Guba & Lincoln, 1989; Kvale, 1996). In the traditional view, the evaluation follows the tracks of the evaluation of quantitative studies and examines the theoretical background of the study, data gathering and sampling, analysis of the data, representation of the findings and interpretations, and the modern approach focuses on a set of quality measures, such as credibility, consistency, transferability, and confirmability.

The evaluation of the theoretical framework of the research indicates that the interdisciplinary theoretical framework that drew from communication and psychological theories offered a consistent, meaningful, and multi-dimensional approach for listening research. The results of the study offered some of the much needed theoretical development for the discipline of speech communication, because a lot of the theory development in it has stemmed from the research of verbal interaction instead of listening. Thus, many of the theories that have been in active use in speech communication research have not always been fully applicable to listening research. The interdisciplinary approach allowed the credible examination of the process of listening from various perspectives: theoretical, contextual, and relational perspectives as well as the perspective of well-being were applied. When the data-based and theory-based research methods were used in the examination of

the data that consisted of the answers of Finnish judges and attorneys as well as American attorneys, the results of the sub-studies complemented each other and strengthened the overall results of this study. Because the data was approached from various theoretical and methodological perspectives, the validity criteria of them all have to be taken into account when the validity of this research is examined. Only the most central factors related to the traditional evaluation criteria mentioned above that affected the validity and reliability of the research are discussed here, because the limitations of the sub-studies (I-IV) have already been discussed in their discussion sections.

The methodological limitations of the study mainly lay on the participant sample and the various means of data gathering. First, since the samples in all sub-studies were convenience samples, it is possible that the judges and attorneys that participated in the study were more aware of and interested in their communication competence than the ones that chose not to participate in it. It is possible that the convenience sample was one of the reasons that led to the imbalance in the number of male and female American attorney participants. In addition to the gender bias, participants' different professional roles may have had a slight effect on the comparability of the results. Nonetheless, despite their gender and different occupations, participants seemed to approach legal listening situations in similar ways and consider listening as important in their professional communication competency.

Second, the three different kinds of data gathering techniques (interviews, paper and pen questionnaires, and online questionnaires) had their advantages and disadvantages. The fact that the data collection methods differed may have had a minor impact on the study findings especially when it is noticed that even though all of them had open-ended questions, it is possible that people coming from different cultural backgrounds respond differently to open-ended questions. However, the effect of this was examined by comparing the contents of the answers of each cultural group with each other, and no differences in the ways the participants had answered or lengths of the answers was found. Since all data gathering methods allowed the modification of the question set after the preliminary coding of the data indicated the existence of certain categories, all data sets were considered to produce suitable material for comparison.

Third, the limited time that the participants had reserved for the interview, approximately 60 minutes, may have caused them to exclude some information that could have been beneficial in the analysis of the data. At the same time, interviews like this allow the researcher to use specifying questions in order to ensure that the interviewee is discussing matters that are relevant for the study whereas, for instance, quantitative questionnaires do not allow this.

The evaluation of the data reveals that the transferability of the results must be always done with keeping the cultural and organizational context of the gathered data in mind. Various differences in the legal systems between the United States and Finland may have an impact as well on how listening is perceived among legal professionals. However, the differences in the legal systems were not considered to hinder analysis and interpretation

of the data since the participants in both cultural groups indicated that their professional communication competence seemed sufficient in regards to meeting the required professional objectives.

In addition, the gender distribution in the American data may have had an effect on attitudes toward listening and thus, also toward the conformability of the interpretations, but no difference was found in attitudes when the Finnish data given by the female participants was examined and compared to the data given by male participants. Furthermore, in previous studies regarding legal communication (Ala-Kortesmaa & Isotalus, 2011; Ala-Kortesmaa et al., 2011), gender has not significantly impacted the results of the studies. Therefore, the data collected using these methods were considered comparable.

The evaluation of the analysis method that based on grounded theory indicates that it seemed to work well for the purpose of understanding and conceptualizing listening as it enabled the inductive strategy of identifying the underlying structures of listening. The way the questions were formed in the semi-structured interviews may have had an effect on the variety of conceptual models that arose from the data. However, the question set did not seem too restrictive, as the results of the study indicated that listening competence allows itself to be examined both as a separate competence and as part of the larger concept of communication competence. When the criteria for assessing the quality of research (Bliott & Lazenbatt, 2004) are examined, it turns out that the analysis method used in this study allowed discovery and induction to lead the process and provided a possibility to create theory that was grounded in the realities of legal professionals' everyday life. The modifiability of the analysis was a good fit for the study as it allowed the examination and constant comparability of various data sets. It also increased the credibility and transferability of the results and the interpretation of them, because the modifications that were applied turned out to be similar in all analyses of different data sets. For the data-based part of the research, the analysis allowed theoretical sampling, i.e. the theory that emerged out of the data analysis guided the sampling. For the part of the study that was focusing on conceptualization of listening and developing already existing theories of listening further, the modifications allowed the data sampling to have features of the theoretical sampling and purposive sampling (cf. Cutcliffe, 2000). The active writing of memos ensured the empirical grounding of the results as well as provided means to consider how codes and their properties related to each other. It also served as a means to increase reflexivity of the research and to counter subjectivity as it allowed the researcher to become aware of her own personal biases and to stay alert in order to avoid the effect of them on the analysis.

## 7.7 Future research topics

In this study, professional listening competence and its connection to professional listening relationships and well-being at work were examined. There is no previous research that would have a similar perspective to listening, and thus, the results of this study can be seen as a starting point for future research that will approach listening from other directions, overcome the limitations of this study, and develop the findings of this study further. In order to more fully develop the theory of professional listening competence across professions, the methodology and theoretical framework that was used in this study could be analyzed in various professional contexts so that the possible applications of them to the work of other professionals than legal professionals could be confirmed. Moving beyond the legal context to build theory across professions will both allow a more complex development of the theory of professional listening competence and emphasize the fundamental importance of listening in professional life.

Conducting an international comparative study in which the effect of national communication culture on optimal listening would be examined would offer a broader understanding about tensions in professional communication relationships and effects that create variation in the definitions for the concept of optimal listening. The professional communication genres that exist within the prevalent communication culture carry principles that professionals try to follow in order to express their professional ability. Therefore, it is reasonable to expect that this aspect would provide some additional information about the research interest.

In order to increase understanding about whether the findings would hold over time and with different populations, a longitudinal research that would cover other occupational groups would be needed. This type of a study would contribute to the theory of listening, because it would offer a confirmatory perspective to the professional listening competence model that would test the hierarchy of it in other professions and examine whether it consists of the same elements as it did in this study or if new professional contexts would offer new, profession-specific elements to it.

In this study, it was addressed that national communication culture as well as organizational culture has an effect on the strategies that are applied when relational tensions in professional listening relationships are managed. This finding requires future research topics to focus on a larger scope of cultural and organizational contexts in which professional listening relationships are observed and relational tensions and the management of them are examined in order to reveal whether tensions are profession-specific or if certain tensions occur in most contexts. This may be done by interviewing people that work in various semi-formal or formal settings and analyzing the interviews and comparing them to the results of this study.

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## Appendix 1.

### Original question set:

1. If you think about listening in general, what does it mean?
  2. If you think about your professional role, what kind of a judge makes a good listener?
  3. What kind of a listener do you consider yourself to be and why?
  4. How important is listening in your profession? In what kinds of situations is it most important?
  5. What do you focus on when you listen at work?
  6. When listening at work, how can you influence the communication situation with your own listening?
  7. What kinds of strategies do you use at work to be able to listen in the best possible way?
- + Demographic data (gender, age)

### Questions added to the original question set after focused coding:

1. What kind of listening situations are most challenging in your work? Why? Have you noticed that your own listening was inadequate in these situations? Please give a general example of a real-life situation.
2. How did the challenging listening situations make you feel about your work and listening skills?
3. In what kind of a professional situation have you felt that listening is easy and that you have succeeded in listening? Please give a general example of a real-life situation.
4. How did the successful listening situations make you feel about your work and listening skills?

## Appendix 2.

An illustration of the grounded theory coding of the data from the article Ala-Kortesmaa, S. & Isotalus, P. (2014). Professional Listening Competence Promoting Well-Being at Work in the Legal Context. *The International Journal of Listening*, 29(1), 30–49. doi: 10.1080/10904018.2014.937529

### **Quotation 1. (Data for RQ1. How do attorneys evaluate their own listening competence and does dialogic listening form part of it?)**

“Time restricts listening at work and requires me to hold the reins. Time constraints call for good scheduling and efficient questioning skills. It is important for me to ensure mutual understanding.” (F27)

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<b>Coding types</b>	<b>Observations emerging from the data</b>
<b>Open coding</b>	Strong sense of professional task, dialogic perspective
<b>Focused coding / Category development</b>	Skills required in a specific professional context
<b>Axial coding / Thematic coding</b>	Positive approach to personal and general professional listening competence
<b>Selective coding / Theory development</b>	Task-based listening objectives → successful application of professional listening competence → positive self-perception of being a good listener

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### Quotation 2. (Data for RQ1.)

“The most difficult listening situations involve persons who talk in circles and provide answers that are not truly responses. Then it is tedious to reframe questions in an attempt to obtain the information needed.” (A59)

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Coding types	Observations emerging from the data
Open coding	Things triggering the need for a more dialogic approach to listening
Focused coding / Category development	Evasive communication behavior diminishes dialogic listening
Axial coding / Thematic coding	Lack of a shared attempt for dialogic listening causes frustration and makes listening situations challenging
Selective coding / Theory development	Increased effort to engage a dialogic perspective → more open disclosure of information → profession-based attempt to listen dialogically

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### Quotation 3. (Data for RQ2. How do attorneys use human agency and self-efficacy in challenging listening situations?)

“Sometimes I feel surrounded by people whose minds work faster than mine, so if I need extra time to listen or a clarification of a point, I feel like my ultimate input may not be as valued. This can result in feeling nervous and missing the point of what is said.” (A45)

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Coding types	Observations emerging from the data
Open coding	Recognition of limits that hinder one’s listening
Focused coding / Category development	Self-reflectiveness
Axial coding / Thematic coding	Unconscious use of personal agency
Selective coding / Theory development	The engagement of human agency and self-efficacy → intentional or unintentional → increased coping with the challenging listening situation

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**Quotation 4. (Data for RQ3. How does the listening competence of attorneys promote their subjective sense of well-being in challenging listening situations?)**

“If I tell an assistant “we need to do x”, and “y” is done, that’s frustrating. I need to re-think how to give instructions in an effective, productive way that is not perceived as criticism. Maybe I didn’t listen well enough to notice why my orders were misunderstood.” (A31)

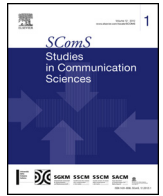
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<b>Coding types</b>	<b>Observations emerging from the data</b>
<b>Open coding</b>	Frustration, lack of listening
<b>Focused coding / Category development</b>	Self-reflectiveness, features of a competent listener
<b>Axial coding / Thematic coding</b>	Awareness of one’s own listening and communication behavior can lead to improvement of one’s professional listening competence
<b>Selective coding / Theory development</b>	Good professional listening competence → active use of self-efficacy → lowered frustration levels → increased subjective sense of well-being at work

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## ORIGINAL PUBLICATIONS





# Relational tensions and professionally optimal listening in the legal communication context: Finnish judges' perceptions of their own listening



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## ABSTRACT

The study examined 25 Finnish judges' perceptions of professionally optimal listening and tensions related to it. These themes were approached from the perspectives of professionalism and relational dialectics. The data were gathered using semi-structured interviews. In the data analysis, some strategies of grounded theory methods were applied. The results suggested that the professionally optimal listening of judges is strongly task-oriented and that the relational tensions that challenge their professional communication competence exist both within a listener and between the communication partners. Professional communication competence of the judges was a factor that enhanced their listening.

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## 1. Introduction

Professionalism and professional competence has aroused interest in scholars for decades (e.g., Saks, 2012; Torstendahl, 1991; Waters, 1989). However, professional communication competence has not gotten a lot of attention among the scholars in the field of professionalism even though it can be assumed to be an important part of the professional competence in most professions as differences in efficiency and fluency of communication situations can have a significant impact on how competent a professional is perceived by others. This can be seen, in particular, in the legal context, the professional context of this study, where most of the work is done in interaction with people, and the result of the interaction, for instance, a verdict, can have a significant impact on the lives of the clients. Therefore, in this study, communication is seen as tools that the professionals use to do their job and as the framework within which the work takes place (cf. Julkunen, 2008).

This qualitative study, approaching listening from the standpoint of professionalism, positions itself in the theoretical framework of relational dialectics theory (Baxter, 2010). It focuses on professional listening situations as listening has reportedly not yet been studied from either of these perspectives. Enhancing our understanding of the professionally optimal listening and the

tensions related to it in the legal context is important for numerous reasons. First, it is reasonable to assume that the listening competence of legal professionals is linked to their professional communication competence. Second, it is safe to assume that in many professions, the better the listening competence is the more likely are professionals to be able to achieve professional goals, which brings them professional satisfaction. Third, this previously unexplored professional perspective allows the theoretical concept development of relational dialectics theory as it examines tensions related to professionally optimal listening. Fourth, this study introduces a new multidisciplinary approach to the research of professionalism as it combines the perspective of listening with the goal of increasing understanding of various communicational aspects of professional competence.

## 2. Professionalism and professional communication in courtrooms

The definitions of professionalism have been under a lot of debate during the last decades (Brante, 2013; Saks, 2012; Waters, 1989) as scholars have approached the concept from various standpoints. This study leans on the tradition regarding the definition of professionalism as skills practiced in knowledge-based occupations in which knowledge is seen as abstract, systematic, and esoteric (Brante, 2013; Siegrist, 2002, pp. 12154–12160; Torstendahl, 1991). In this study, the perspective to professional competence is similar to the key attributes of the legal profession that McCallum (2014)

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discusses both the classic and practical definitions of the legal profession are taken into account. According to him, a profession is a varied set of specialized knowledge and skills that only a limited amount of competent people have an access to, and it is subject to self-imposed rules of ethical conduct in order to serve the interests of people and the public. In addition, the ABA (1980) Model Code of Professional Responsibility states that legal professionals are guided by personal conscience and must exercise sensitive professional and moral judgment.

However, in addition to the knowledge of the code of law and ethical code of the profession, other specific parts of what professionalism consists of can be observed through the tasks that judges whose professional communication is examined in this study have in the courtroom. According to the U.S. Bureau of Labor Statistics (2008), a judge hears allegations of the parties, listens to witness testimony, decides the admissibility of evidence, informs defendants of their rights, instructs the jury, questions witnesses, and rules on motions presented by counsel. In criminal court, judges also determine the guilt or innocence of criminal defendants and impose sentences on defendants found guilty, and in civil cases, a judge may determine liability or damages. Most of these tasks are performed through communication and listening. Therefore, it is argued in this study that communication and listening competence of judges in particular form an important part of their professional competence.

In courtrooms, the justice must not only be done but also undoubtedly and manifestly be seen to be done. In the courtroom context, the asymmetric relationships between parties are formal, distant and exist because of the legal system. One participant, a judge, has the power to determine the content and length of the speeches made, as well as the willingness and the timing of when the parties participate in the interaction (Välikoski, 2004). Justice is made visible only through communication. Often, participants of the communication situation are both professionals or one of them is a professional and the other one is a lay person. Their interaction consists of professional communication. The term *professional communication* refers to communication in which professionalism is being constructed through the task that actualizes in the interaction (Gerlander & Isotalus, 2010). Therefore, for legal agents, communication is both a professional tool that is used to reach this goal and a result of parties' action (Välikoski, 2004).

In Finland, the interaction in courtrooms, and therefore, also the importance of listening, has increased only during the last 20 years. The reform of judicial proceedings aimed at increasing orality and changed the nature of trials as interactional situations, so that it became meaningful to study courtroom communication (Ervasti, 1997; Haavisto, 2002; Välikoski, 2004). After the reform, every trial has had to meet the principles of concentration, immediacy, and orality, meaning that all the material presented in trials has to be presented orally, continuously, and in the same tribunal assembly (Criminal Procedure Act of Finland 689/1997). The court decisions may be based solely on material presented orally in the main hearing.

Prior to the reform, most courtroom communication, especially in the main hearing, consisted of reading written documents aloud. Only after the reform did courtroom communication become interesting from the communication relations point of view, because the interaction in which the communication relationship actualizes began to have an interactive nature. The reform gave judges an active role: in order to express their professionalism, they are expected to participate in the interaction instead of just taking information in. From the standpoint of professional communication, the change has been remarkable as the communication process turns into interaction only when there is a functional connection between the content of the message and how it is communicated (cf. Gerlander, 2003). Currently, the primary goals of the

work of judges are reached in interaction; thus, to meet the requirements of their profession, their communication competence must be on par with their legal expertise.

### 3. Listening as a part of a professional communication relationship

Communication goals guide listening (Wolvin, 2010). This is particularly true in professional communication, in which the professional goal for listening intertwines with personal goals of the speaker. As justice is made visible through communication, judges actively use their listening competence to achieve the goals they have set for a communication situation. Thus, it can be argued that listening competence is a fixed part of their professional competence.

In this study, listening is understood as “the process of receiving, constructing meaning from, and responding to spoken and/or nonverbal messages” (ILA, 1996). This definition indicates that listening is a complex process and thus, a good *listening competence* requires a range of cognitive skills, adaptive affective capacity and a wide selection of applicable behavioral models (Wolvin, 2010). Thus, in order to fulfill their part in the communication process, listeners should be aware of what they are doing, interested in being engaged in the communication, and ready to behave in a way that makes the communication relationship meaningful (Wolvin, 2010). Traditionally, when the importance of the role of listening in the professional communication was not fully understood, this area of the professional competence was neglected also in the field of professional competence research. Particularly, the research of the legal profession has focused on other important parts of the professional competence such as acquiring a sufficient amount of theoretical and practical knowledge (Spiegel, 1986; Wilkins, 1994), ethical responsibility (McCallum, 2014), various communication strategies of legal professionals (Atkinson & Drew, 1979), and the education of legal professionals (Sullivan, Colby, Welch Wegner, Bond, & Shulman, 2007). Therefore, this current study about the professionally optimal listening and tensions related to it can be seen as a response to the lack of research regarding the professional competence of legal agents as the previous studies have not acknowledged listening to be a part of what legal professionalism is constructed of.

Professional listening always actualizes in a professional communication relationship (cf. Gerlander & Isotalus, 2010). In communication research, the term *communication relationship* refers to the relationship that exists between the participants of the communication situation and actualizes in interaction (cf. Baxter, 2004). Even though the speaker has often been the focus of research in the field of professional communication (Drew & Heritage, 1992; Ruusuvoori, Haakana, & Raevaara, 2001), the role of a listener is as important as the role of the speaker in the communication relationship: A listener shares the responsibility for the outcome of the communication and engages in the behaviors that support that outcome (Wolvin, 2010). Especially in the legal context, communication relationships are strictly defined by different degrees of formality and different hierarchical structures. Thus, in order to follow courtroom discourse successfully from a professional perspective, listeners should be specialized in language that is guided by clear institutional rules.

Ehrlich (2001) has stated that the defining character of legal discourse is its interactional asymmetry as differential speaking rights are assigned to participants depending on their institutional role. From the standpoint of a judge, the primary function of courtroom interaction is the display of information (cf. Drew, 1992; Lakoff, 1990). However, different interactional situations during a trial present a variety of discourse types which correspond to the



relationship between the participants of the communication relationship (Drew, 1992). These different situations require judges to use their listening competence and modify their listening, because the requirements of a specific listening situation may cause the applied listening style to be inadequate. For instance, O'Barr (1982) has noted that usually listeners consider a witness that uses a narrative style when testifying more competent than a witness who uses a fragmented style. In this current study, the linguistic tradition of the research of courtroom communication (Conley, O'Barr, & Lind, 1978; Drew & Heritage, 1992; Drew, 1992; O'Barr, 1982) is challenged from the perspective of interaction as a new approach to studying professional competence is presented. After all, by using the professional listening competence a judge can detect for instance the style that witnesses use in their narration, and choose accordingly a listening style that enables her or him to detect the factually important matters from the argument.

Sennett (2003) has noted that the work of a specialist is always goal-directed so the interpersonal aspect is not the focus of it. In the legal context, this feature is emphasized due to strict rules and formality of interaction. Judges' professional communication includes various listening situations. The more aware they are about their listening skills, the better they adapt to the communicational requirements of their profession. It has been discovered that particularly in professional contexts people understand that listening is a situational process and thus, it varies what is considered to be optimal in various listening situations (Flynn, Välikoski, & Grau, 2008; Rubin, 1982). However, the interpersonal aspect of communication cannot be forgotten either in the legal context, because a professional communication relationship is a communicational phenomenon and actualizes in interaction. Findings of previous professional communication studies (Miller, 2007; Ruusuvaori, 2005) have suggested that the central position and importance of emotions in communication reflects the interlocutors' strong commitment to interaction. All parties have to recognize the expressions of commitment to make them meaningful. In addition to talking, active listening is an acknowledged way to achieve this end (cf. Imhof, Välikoski, & Janusik, 2006). In court, the experience can be unprecedented and the matters highly important for the disputing parties; therefore, they may expect a considerable degree of commitment also from the legal professionals. In a formal, professional environment, it is considered inappropriate if judges emotionally express their commitment. However, listening is one of the ways in which judges can indicate their professional competence and devotion (Ala-Korttesmaa & Välikoski, 2008).

As listening competence is considered an essential part of the professional competence of judges, it is important to understand what kinds of features they attach to their ideas about optimally performed professional listening. Studying the perceptions of "optimal listening" in professional communication relationships of judges can offer valuable information about the way they construct their identities as competent professionals and new ideas for their education regarding the possibilities to improve the content of various courtroom communication classes. In the legal context, the goal of the interaction is functionality so that the justice can be seen to be done. Thus, it can be assumed that optimal listening is the most eligible way to promote mutual understanding that increases the likability of reaching this professional goal. Therefore, the following research question was posed:

RQ1. How is professionally optimal listening defined by judges in a courtroom context?

Professionally optimal listening is also important as it has been noted (Ala-Korttesmaa & Isotalus, 2012) that when listening is performed in an optimal way, it encourages people to be attentive, increases the level of mutual understanding regarding the topic, and encourages people to share more information because they feel

that they are listened to. However, in this current study it is emphasized that the appropriate way of listening, "the optimal listening", has to be negotiated and determined in every communication relation and situation, because an optimal listening process requires that the communicator knows how to listen in a way that is cognitively and behaviorally appropriate in a particular situation (cf. Imhof et al., 2006).

#### 4. Tensions in professional relationships

The theoretical background of the study relies on relational dialectics theory (RDT) – a theoretical framework that explores human relations and their dynamics. In RDT, relations are considered to be constantly changing. From this perspective, in order to communicate successfully, constant attention has to be paid to interaction by the interlocutors (Baxter, 2004). RDT acknowledges that the message simultaneously has both the dimension of content and the dimension of relation (cf. Bateson, 1951). The content dimension includes everything that is actually said in the communication relation, while the relational dimension concerns the interpretation of the content of the message (Watzlawick, Bavelas, & Jackson 1967). The content of the message always actualizes in the communication relationship that is constructed as the interactional process proceeds (cf. Tracy, 2002). Interlocutors get information about the attitudes that they have regarding the communication relationship, the message, and each other when they focus on the relational dimension of the message (Burgoon, 1991). The characteristics of the communication relation, especially the familiarity of interlocutors and the formality degree of the communication situation, can affect the interpretation of the relational dimension of the message, because it is often expressed in a nonverbal manner and can seem ambiguous (Burgoon, 1991).

RDT explains the meaning making as a process that is created by competing discourses: the joint communicative work of relationship parties creates meaning. Meanings are constructed with respect to partner identities and relationship identities (Baxter & Braithwaite, 2004). The competing discourses are often created by different tensions, asymmetry of communication, and ambivalence that exist in communication relations (Baxter, 2004). The dynamics of these elements actualizes in the interaction when interlocutors, often subconsciously, negotiate the balance of equality of the communication relation, the amount of formality that is appropriate to express in it, and their respective levels of autonomy and dependency in it (Baxter, 2010).

Traditionally, RDT has focused on communication and tensions in personal relationships (cf. Baxter & Braithwaite, 2004; Baxter, 2004). This has sometimes placed professional communication in the margin of interpersonal communication research (Gerlander & Isotalus, 2010). As a result, interaction that occurs in formal contexts has been defined as "impersonal". However, in this current study it is argued that because the relation is ontologically understood to be a communicational phenomenon and a communication process, in which meanings are created and shared (Baxter, 2004; Berger, 2005), it does not occur only in personal relationships but is one of the core elements of all professions that are conducted through interaction. In the legal context, particularly in the oral preparation or main hearing, the features that define these communication relations are quite rigid. In this kind of a formal communication relationship, judges focus on facts, contested matters, and limitations of each case. Interaction becomes the primary frame of reference when their professional performance is measured (Julkunen, 2008). The connection between the relationship and communication is solid and dualistic, and relationships are constructed in the professional communication processes between

interlocutors, which have an effect on the way they communicate with each other (Rogers, 2008; Wilmot, 1995).

According to the principles of relational dialectics (Baxter & Montgomery, 1996), the occurrence of tensions in relationships is unavoidable. Dialectical tensions manifest themselves in interaction and stem from opposing desires. Stress occurs frequently on the individual level as human needs and desires clash (Bridge & Baxter, 1992) and thus, tensions are a core element of a relationship that partners need to manage in order to sustain the connection. It is clear that tensions occur in the professional context when individuals attempt to balance their roles as professionals while maintaining established relations within their professions. In the legal context, the judges have to take the issues of power in the courtroom into account and remember their role as they interact with disputing parties, their attorneys, witnesses, and prosecutors.

Traditionally, the tensions have been considered to exist either within the relationship (internal dialects) or between the communication partners and the community (external dialects). Examples of tensions within the relationship include connection and autonomy, certainty and uncertainty, and openness and closedness. Tensions between the communication partners and the community include inclusion and seclusion, conventionality and uniqueness, and revelation and concealment (Baxter & Montgomery, 1996). Also other core tensions such as impartiality and favoritism or instrumentality and affection can exist in any relationship. Rawlins (2000) later added a level of contextual dialectics into the model, and according to him, tensions between real and ideal as well as public and private belong to these contextual dialects. As this current study focuses on tensions in the legal context, it is explained in Section 6 of the study what the tensions that were discovered in the analysis contain in this particular professional context.

The few studies that have examined professional communication relationships using RDT have focused on teachers and students (Rawlins, 2000), advisors and advisees (Poutiainen & Gerlander, 2005), and doctors and patients (Gerlander, 2003). However, none of these studies focused on tensions in listening. This study aims at crossing this gap, because without knowledge about these tensions and listening, it would be challenging to acquire a comprehensive understanding of professional listening competence and demonstrate the importance of it as a part of the professional competence. Thus, the following research question was posed:

RQ2: What kinds of tensions are related to optimal listening in the legal context?

Furthermore, another notion gave rise to this research question: in relational dialectics it is considered that tensions in communication relations can lead to disengagement if the amount of stress the parties experience gets high (Herrmann, 2007). Parties experience great amounts of emotional strain in trials due to the unusual nature of the situation and the significance of the outcomes. It has been noted that in such situations the participants of the interaction are keenly aware of whether the professional, i.e. the judge, is truly listening to them (Thomas & Pollio, 2004). Therefore, it is also important from the perspective of professional communication competence to know what kinds of communicational tensions are related to optimal listening.

## 5. Method

### 5.1. Participants and procedure

In order to offer an alternative approach to the research of listening in professional contexts, this qualitative study examined

the professional listening of judges from an introspective perspective. Qualitative research seeks to understand the topic from inside out and focuses on a behavior of a limited sample group to better understand the universal (Rich & Ginsburg, 1999). Perceptions of one's own listening cannot be observed from the "outside" by conventional objective means as different values and perceptions that underlie and influence the observed behavior are often very personal. Therefore, qualitative approach offered an opportunity for the participants to freely choose the language and imagery they wanted in order to disclose the sensitive information related to their own listening and thus, ensured the accuracy of the description of the examined phenomenon.

The participant sample of the study consisted of 25 Finnish judges working in district courts. Of the 25 participants, 17 were men and 8 were women. Permission to approach possible participants was sought from the president of each district court. The participation was voluntary and the participants indicated their consent by signing a consent form.

The data were gathered using semi-structured interviews (Smith & Osborn, 2008) which were conducted either in the conference rooms of the district courts or in the offices of the judges. The participants were instructed to keep their most common professional listening situations in mind when answering to ensure that the answers were strictly related to their work context. A brief introduction to the research topic was given before the interviews began, but as the questions focused on eliciting information all the way from basic level listening perceptions to profession-specific listening strategies, no additional framing of the questions was offered, because it was hoped that the participants would offer as comprehensive a view as possible of the topics introduced in the questions. The methodological position of the interviewer was taken into account as the interviewer acknowledged that in semi-structured interviews the shifts of power take turns as the responses of the interviewees may challenge the topic or drastically broaden it. The lack of the framing of the term "listening" therefore stemmed from the avoidance of a dominant perspective that the initial power position of the interviewer could have suggested. The interviewees were allowed to freely disclose and generate knowledge on listening as they were the experts in their own field with a lot of process-related and explanatory knowledge.

The interviews included seven open-ended core questions (Appendix A) as well as a varying selection of additional ones depending on the responses. In addition, four questions were included in the question set after the focused coding was performed (Appendix A). In general, interviews are considered to provide a more comprehensive understanding of the phenomenon that the research is focusing on than other data gathering methods do, especially if only a little is known about it or if more detailed insights are required from participants (Gill, Stewart, Treasure, & Chadwick, 2008). In addition, if the research topic is either sensitive or can be considered personal, as listening skills often are, interviews are particularly appropriate in the data gathering as they may encourage the participants to reveal sensitive information. Interviews were also suitable for examining the topic as both the professional tasks of judges and interviews employ similar interpersonal skills, such as questioning, conversing, and listening. Semi-structured interviews were chosen because of their flexibility: they define the explored ideas in advance but also allow the interviewer to pursue an idea or response in more detail as well as enable the elaboration of important information that is disclosed but may have not been considered pertinent by the research team (Gill et al., 2008). Even though open-ended questions require more extensive coding, this question type was chosen to allow the participants spontaneously relate the perceptions they had regarding their listening skills and to produce a more diverse set of answers. The interviews lasted approximately 60 min. They were audio-recorded and transcribed verbatim.

## 5.2. Data analysis

Some strategies used in grounded theory, particularly the various levels of coding, were applied to guide the qualitative content analysis of the data to conceptualize the perceptions of professionally optimal listening and tensions that exist in communication relationships. The interviews were first analyzed using open coding (cf. Strauss & Corbin, 1990). At this stage, the raw qualitative data were focused and labeled. Then the coding was re-examined and further focused when needed. In this process, certain concepts began to form under certain categories. As the comparison of the data revealed that the categories began to seem more established, questions were added to the interview guide to gather more information about them (cf. Glaser, 1965). In order to guarantee the same amount of participants for each research question, the interviewees that were interviewed before additional research questions were added in the question set were contacted again and additional interview questions were posed. The data gathered by the modified question set went through the stages of open and focused coding again.

Axial coding was then used in a modified form to identify possible interrelationships among categories and subcategories (Glaser & Strauss, 1967). This was done by focusing on the professionally crucial features of listening that emerged in the coding process. At this stage a preliminary comprehension of professionally optimal listening and tensions related to it started to form. Finally, core categories were formed during selective coding by unifying concepts and subcategories (cf. Strauss & Corbin, 1990). In practice, all the coding methods intertwined due to the inductive nature of the method. Notes and memos were created during the coding to ensure that theoretical connections and disjoints were expressed. The notes and memos served also as a verification means for the conceptual development (cf. Strauss & Corbin, 1990).

## 6. Results

### 6.1. Features of optimal listening (RQ 1)

In this study, the first research question examined perceptions of professionally optimal listening in the legal context by using analysis strategies of the grounded theory. In the level of selective coding the analysis revealed that there are two core categories that both describe the features of professionally optimal listening. These categories can be seen in Table A1.

As the table indicates, the first category, “Features of listening”, indicates that perceptions about professionally competent listening include both features of what can be assumed as generally optimal listening skills and features that reflect various profession specific requirements. The level of axial coding that preceded the selective level suggested that listening skills in general are considered to be an important professional asset in the legal context:

In the courtroom, an optimal listener is ready to put a lot of effort into understanding what the other one is trying to say. Additional questions can be used to figure out actual meanings of expressions. A good listener is also calm, patient, and receptive. (J25)

The results also indicated that the judges considered listening as a part of their professional communication competence and saw it as a means to advance the understanding of the matter and giving the verdict as well as to facilitate their job. The level of axial coding also revealed that for the work judges do, professional listening competence was considered to be almost as important as law studies and the experience cultivated in their years in service:

Listening is an inseparable part of our expert knowledge. If you're a good listener, you know that in a trial you listen to facts but that in mediation, facts are just a part of a larger picture. Listening to someone is always a communication situation. (J13)

This extract reflects the second core category, “Focus of listening”. It shows that the focus of optimal listening varies from the factual aspect of the case to the relationship aspect of the case depending on the listening situation. In general, the judges need to listen in a dialogic, responsive manner that can reach beyond the sometimes superficial level of words if needed. The professional role seems to facilitate listening, because the communication goal of institutional discussion and listening is clear to judges in the main hearing or mediation:

In this job, listening to details is emphasized. Our job is to look for motives. When you listen to facts, you know which ones are relevant. Everything else is not. (J25)

Professional experience helps judges to notice when it is particularly important to listen.

As Table A1 demonstrates, when these two core categories were unified in the further selective coding in order to reach a more theoretical understanding about the phenomenon, it was discovered that the judges considered optimal listening to be an active, dualistic process as the concept of professionally optimal listening in legal context includes features that involve both roles that require listening and functions that listening is used for. In regards to the latter, solving the dispute in the best possible way requires judges to indicate that speakers are really listened to and it matters what they are saying. For the judges, it is important to not only listen actively but also indicate with nonverbal communication and specifying questions that the goal of the listener is to find and understand the meanings that the speaker wishes to communicate.

### 6.2. Tensions related to optimal listening (RQ2)

The results of the study indicate that tensions in professional communication relationships offer themselves for analysis when they are examined through the implementation of professionally optimal listening in communication relationships in the legal context. Thus, various socio-economical, political, religious, and other non-communication-related reasons that may cause tensions to occur in the legal context were not included in the analysis.

In the analysis of the data, the level of axial coding indicated that based on the preliminary groups that the focused coding suggested, subcategories of various types of tensions started to emerge. After the subcategories that formed on the level of axial coding were merged, the selective coding brought forth two core categories of tensions relating to professionally optimal listening: tensions within a listener and between interlocutors. At this point, it was necessary to consider how these core categories should be named as it was obvious from the perspective of listening research that the terms offered by Baxter and Montgomery (1996) and Rawlins (2000) were not sufficient. The term “internal dialect” was misleading in the context of this current study as it referred to tensions in a communication situation and the term “external dialect” was confusing as it did not only refer to the tensions between the communication partners and the community but could have also referred to the tensions between the communication partners. In the process of listening, a lot of the processing of information is internal, so the terms that these researchers used ignored the intrapersonal tensions that a listening situation may trigger. Therefore, in the current study, these two categories were named *intrapersonal tensions* and *interpersonal tensions*. The naming reflects the location of the tension that is triggered. Intrapersonal

tensions occur when a person realizes that her or his listening behavior does not match the ideal perception that she or he has about the optimal listening behavior in that particular situation, i.e., the tension triggers an inner debate about the issue. Interpersonal tensions, in turn, are defined as dialectical tensions that people negotiate in their communication relationships. As the analysis focused on the information that the judges gave about their professional listening behavior and relationships, completely external tensions that emerge in the societal level were excluded from the analysis. Thus, it was considered that the professional listening relationship and the listening behavior engaged in the listening situation in order to reach the professionally optimal listening result create the setting for the tensions. The overview of these tensions can be seen in Table A2.

Next, the tensions that form these subcategories are discussed in detail in order to create an understanding about the challenges regarding reaching the professionally optimal listening that the judges face in their professional listening situations.

### 6.2.1. *Intrapersonal tensions related to optimal listening*

The results of the selective coding indicate that the most predominant subcategory of intrapersonal tensions that the judges experience in their professional listening was the tension between real and ideal listening. In the professional life of the judges, they set themselves high standards regarding their professional listening but sometimes fail in reaching these standards. The judges knew how an optimal listener would professionally approach a certain situation in a certain way; however, they knew that their own listening did not always reach the optimal level:

It would be efficient if the judge was able to listen to the story in a way that all specifying questions would be about the comment that was just heard, however at least to me it is a matter of impatience that I don't always give feedback in the form of questions. (J1)

This tension between the real and ideal listening was constantly present in the professional communication of judges. The level of axial coding produced two groups of data that contained the reasons for the tension between real and ideal to occur. The first one was related to the effect of personality traits on the expressions of professionalism. This group had plenty of examples of situations in which the personality traits of the listener such as being impatient clashed with the formal behavior code of the profession. The second group consisted of the so-called outside features that were related to spatial and temporal matters and to the behavior of the speaker. For instance, a lack of time, redundant information, aggressiveness of parties, talking about irrelevant things, and general exhaustion when the trial continued past the time frame that was reserved for it increased the tension that judges noticed between their real listening and their perception regarding optimal listening in the listening situation. However, the tension between real and ideal was not always a negative phenomenon as some of the judges used it as a motivational tool to improve their listening attentiveness.

The second intrapersonal tension subcategory that formed in the selective coding was the tension between the autonomy of the listener and the connection that the listener is trying to create in the listening relationship. This tension was considered to be intrapersonal because the judges constantly compared their position as a professionally optimal listener to their position as a highly professional judge. They knew how crucial it was to establish a well-functioning relationship with the parties of the dispute but they also knew when enough information was gathered so that a verdict could be given. Their role directed them toward autonomy, because in a trial judges are supposed to maintain a professional image:

A calm, dignified behavior indicates respect toward the parties more than my sparkling personality. It gives the impression that I'm a better judge and a better listener. (J3)

Thus, even though the judges experienced the intrapersonal tension of autonomy and connection, they were hesitant to indicate that the saturation point had been reached and they were ready to give a verdict because it could have affected the communication relationship negatively.

However, the further analysis of the data suggested that even though the strong sense of professionalism seemed to increase the intrapersonal tension of autonomy and connection, it also aided the listening as judges knew exactly what kind of information they needed in a trial. This eliminated the possibility of the intrapersonal tension between inclusion and seclusion to occur as the role gave clear guidelines to judges in terms of their listening goals.

### 6.2.2. *Interpersonal tensions related to optimal listening*

According to the results of the analysis, the most regularly occurring subcategory among the interpersonal tension that judges seem to face was the one between public and private. In this current study, this tension is seen as a strain between the private self of the judges and their public role. In the legal context the communication relationships are asymmetric which causes the interpersonal tension between public and private to occur also in an interpersonal level as, according to [Baxter and Montgomery \(1996\)](#), achieving the goal of creating an encouraging communication situation would require interlocutors to relate something about themselves. The professional listening relationships of the judges do not allow it in the public courtroom setting. Only the parties should disclose information about themselves in the courtroom:

Sometimes sharing an empathic anecdote about my life would encourage the parties to answer questions more thoroughly or talk about the tough topic, but I am there only to analyze the case and to understand how things are related, not to share about my life. (J6)

The judge is the one to decide who gets to talk and when and how much information about the matter is enough. In spite of this, the judges try to keep the atmosphere as informal as possible and try to avoid tension between public and private from building up, because it can interfere with reaching the legally correct results if the parties feel that they cannot offer relevant information due to the anxiety that the formality of the situation may cause.

The results of the analysis suggest that the second most common interpersonal tension subcategory was formed by the tension between novelty and predictability. The communication situation is familiar to the judges. However, for the parties of the dispute, the novelty of the situation can cause additional stress and thus, it can often make it more difficult for legal professionals to listen to the parties (cf. [Brescoll & Uhlmann, 2008](#)):

If a person is in a courtroom for the first time, it usually hinders efficiency. Sometimes posing efficient questions referring to what I have heard just isn't an option. They may not express themselves clearly or even understand what I am asking. (J12)

Thus, this tension can hinder the functionality of speaking and listening. The judges noted that the conventionality that they experience in a courtroom communication situation can also make them forget that they should express their listening and understanding using layman's terms.

The third subcategory of interpersonal tensions was formed by the tension between judgment and acceptance as the judges stated that they constantly have to focus on detecting it in their own listening behavior. They use listening to demonstrate acceptance and validation to their clients. The acceptance did not focus on

the dispute or crime but on the fact that legally, both parties are entitled to a fair trial and thus, both of them have to be heard without judgmental presuppositions. The analysis of the data showed that the judges actually indicated signs of a fourth subcategory of the interpersonal tensions, the tension between favoritism and impartiality, as they further discussed the possible presuppositions that judges may have toward a case. They acknowledged that a strong professional communication competence prevents such aspects from having any effect on the communication relations in the legal context or the outcome of the trial:

It's clear that we're human beings and have our likes and dislikes. However, it's a part of our professional knowledge that we notice this and put them aside so we can listen to all people in the same, equal way. (J15)

The strong sense of professionalism helps the judges to balance between the interpersonal tension of favoritism and impartiality and maintain their professional role, even when their personal preferences could have some effect on their listening.

## 7. Discussion

In this study, the perceptions of judges regarding optimal listening and tensions related to it were explored. These topics were examined in the context of professionalism by placing them to the theoretical framework of relational dialectics theory and applying grounded theory strategies to the analysis. Even though relational dialectics has not been applied to listening in professional communication relationships before, the results of the study suggest that relational tensions that exist in communication relationships are not only related to the verbal production of the message but also to the reception of it, i.e., listening. The results of this study suggest, in particular, that the research of professionalism can benefit greatly from seeking cooperation with new fields of science. The multidisciplinary perspectives to the field of professionalism and professions drawing from sociology (Bourdieu, 1988; Larson, 1977), history (Torstendahl, 1991, 2015), and other sciences of society as well as education (Hargreaves, 2000) and linguistics (Atkinson & Drew, 1979; O'Barr, 1982) have already produced an abundance of invaluable information, but expanding the collaboration to projects in which communication and listening behavior of professionals in various fields would challenge and complement the currently prevailing perceptions would be beneficial to the whole field of science. In general, this study can be seen as an attempt to bring these two disciplines, professionalism and communication, into a dialog with each other.

The first research question sought an answer to how professionally optimal listening is defined by Finnish judges. The findings indicate that, according to them, professionally optimal listening is always task-oriented. This is a notable discovery, because only when listeners understand what professionally optimal listening means, it is possible to achieve the goal of shared meanings which is crucial in the work of judges and particularly in the process of giving a verdict. The professional goal directs their listening to focus on the content of speech, i.e. on the matters relevant to the case. Professionally optimal listening also has features of what can be considered to form a generally optimal listening such as being understanding, patient, and observant (cf. Ha & Longnecker, 2010; Haas & Arnold, 1995). These personality traits can be seen to combine the task-oriented listening style with a people-oriented style that aims at building a relationship with a speaker. However, at the same time, they can be seen as features that get the speaker to open up and thus, they aim at collecting the information that is needed to give a verdict. This finding is interesting as it indicates that even though judges in Finland are in the courtroom usually

for one purpose only, i.e. to gather the information necessary for giving the verdict, and thus the communication relationship is not as important for them as it may be for instance for attorneys, the judges acknowledge that using features of a people-oriented listening style may help them to achieve their professional goal.

The professional principles have shaped the listening of the judges toward a specific, task-oriented direction even though they approach listening as an active, dialectic process. As listeners, judges have to take the asymmetric communication relationships into account and focus on the speaker. According to them, when the speaker is the focus of their attention, they have to apply various self-regulation strategies so that their listening could get as close as possible to the situational and complex construct of professionally optimal listening. This result was similar to a finding of a previous study (Purdy, 1997) that noted that an effective listening behavior in real-time listening focuses attention on the speaker and their expectations. It indicates that dual aspect of listening is an important part of the professional competence of judges, and thus, their responsibility regarding the interaction and the outcome of the communication is emphasized as they are bound by the relevant acts and professional ethics.

The second research question examined the tensions that are related to professionally optimal listening in the legal context. In order for the judges to listen more effectively and thus, gather more comprehensive case data and possibly even reduce the time used for trials, it is crucial that they are aware of the tensions that exist in the communication relationship. The findings suggest that the tensions that occur in professional listening situations of judges are both intrapersonal and interpersonal. Two intrapersonal and four interpersonal tensions were found. This finding differs from the traditional results of relational dialectics that indicate that the occurring tensions are mainly interpersonal (Baxter & Montgomery, 1996; Baxter, 2010). This seems to be caused by the differences in the psychological and communicational process of listening if compared to a speaker-centered communication situation. In listening research the process of listening is seen to begin from the level of intention (Imhof, 2010) and thus, listening includes a lot of intrapersonal communication in which tensions may occur. Therefore, the tensions in a listening situation exist both within and between the interlocutors.

The results suggest that the most predominant intrapersonal tension that the judges experienced in their professionally optimal listening was caused by the contrast between their real listening and the ideal perceptions they had about professionally optimal listening. The judges stated that noticing this contradiction increased the tension they felt in the situation. The discretionary nature of the power that they hold over the communication situation accentuates their responsibility regarding the factually correct outcome of the interaction situation and thus encourages them to adjust their listening in order to lessen the gap between their real and professionally optimal listening. In contrary to the findings of a previous study in which Rawlins (1992) argues that in personal relationships the ideal form of friendship the interlocutors try to reach is not institutionally protected, and thus, causes an ongoing challenge for the relationship, in the legal context the role of judges gives a somewhat institutionally protected status for the ideal perception that the judges have about professionally optimal listening.

Another intrapersonal tension that the results of the study indicated was the tension between the autonomy of the listener and the connection that he or she is required to create with the other interlocutor. In order to create a well-functioning communication relationship, all interlocutors should disclose some information about themselves that could help them find a basis for understanding each other. This can be problematic, because listening of judges

in trials focuses solely on facts and grounds, which increases tension between autonomy and connection. On the other hand, the authority that judges hold automatically entitles them a position that indicates that their profession holds the highest knowledge in the field and thus, removes some of their relation-related responsibility and need to be understood by the communication partner. At the same time, it increases their task-related responsibility to maximize the possibilities of the communication partners to understand them in case-related matters. This finding is in line with the standards that the [American Bar Association \(2000\)](#) has set for the special functions of a trial judge and it may explain why this intrapersonal tension did not manifest itself as strongly as the tension between real and ideal. The institutional status of judges justifies the use of the strategies of communicational closure when the boundary of autonomy should not be crossed.

Of the four interpersonal tensions that were found in this study to be related to the professionally optimal listening, the judges mentioned the tension between public and private most often. They had to manage their public status as the presidents of the court and balance it with their perceptions of themselves as private persons. This approach differs from the traditional view of RDT in which this tension is often seen as contextual as privately important relationships often have only marginal meaning in public context in which official relationships such as marriage are valued ([Rawlins, 2000](#)). The professional competence of judges encouraged them to accept the non-reconciliation of this tension and to focus on matters that promoted the completion of the professional task. The clear role facilitated in fading the private role into the background, and thus, in contrary to the findings of previous studies (cf. [Baxter, 2004](#); [Gerlander & Kostianen, 2005](#)), the judges did not consider other people's attitudes toward their listening a factor that would have affected it negatively. Even though communication competence is often considered a very personal matter ([Rubin, 1982](#); [Spitzberg & Cupach, 1984](#)), the clear professional role lessened the relational tension between public and private from the judge's point of view as it defined the communication goals that guided listening.

The second interpersonal tension that the results suggested was the tension between novelty and predictability. This was an interesting tension as the judges consistently stated that the firm grasp of professionalism drastically lessens this tension from their perspective. Even though trials are familiar situations to judges and they do not experience the tension caused by novelty and predictability in the communication relation in the same way that the parties do, they still have to modify their own listening depending on what kind of a communication relationship they are participating in. This finding is supported by [Wolvin and Coakley's \(1996\)](#) findings, which indicated that listening acts resemble speech acts in the way they derive from negotiated communication goals. The relational dimension of the message that the judge is delivering with his listening contextualizes the content of the message by giving clues about how the content should be interpreted (cf. [Watzlawick et al., 1967](#)). Building a positive communicational atmosphere using different listening strategies seemed to lessen the tension that the novelty of the situation caused for the parties.

The results of the study indicated that the third interpersonal tension that the judges experienced in their professional listening situations was the tension between judgment and acceptance. Their professional role requires them to be impartial, but they noted that even though the main reason for the interaction is the institutional task, it is not inappropriate to use listening for demonstrating acceptance and validation toward the communication relationships in the courtroom. This suggests that in the professional listening situations of judges, the institutional

task intertwines with their personal interest in their work and clients. These kinds of blended relationships (cf. [Bauman, 1990](#); [Bridge & Baxter, 1992](#)) emphasize the dialogic nature of listening. Therefore, they used their professional listening competence to lessen this tension. The acceptance was never related to controversies between parties, as that was considered an abuse of office. When the judge gives parties the possibility to talk, he expresses his willingness to listen to them. This finding is in agreement with a finding in a previous study (cf. [Baxter, 2004](#)) in which listening was considered to be a means to control the dynamic and dialectical tensions.

The fourth interpersonal tension suggested by the results was the tension between favoritism and impartiality. The judges linked the actual lack of this tension to a professional communication competence. Professionally competent listeners were able to pick up the cues that affected the communication of the speaker without letting these emotions get in the way of the actual communication goal, i.e., gathering information for giving a verdict, even if they noticed that the speaker was not truthful or co-operative. The professional experience that the years in service had brought along had given the judges a sense for biased or misleading message sources. This finding can be generalized to many other fields of professionalism as well, as the research results in education ([Harry, 1992](#)) and medicine ([Atwal & Caldwell, 2005](#)), both fields in which the professional has to treat others equally, support the findings of this current study. The stronger the professional communication competence is, the more control professionals have over detecting information that is important and overriding their personal biases.

In general, the results of the study indicate that the dialogic nature of professional communication relationships also actualizes in listening. The importance of professional communication competence was highly acknowledged among the interviewees, and some of them suggested that listening and communication competence should become one of the criteria that are used when judges are appointed listening as a part of communication competence was understood as a means to solve a problem when chairing a case and to facilitate the interaction between the parties of a dispute. The judges seemed to have understood, possibly intuitively, the collaborative nature of listening. The communication relation frames the way of listening; however, listening also shapes the communication relation.

The contributions of the study to both the field of professionalism and the theory of relational dialectics lay on several areas. Most importantly, the study combines the perspective of professionalism manifesting itself in interaction with the new theoretical framework. As a result, the knowledge it provides is not only challenging the previous perceptions about how and where professionalism can be detected and analyzed but also highlighting that listening has conspicuous professional value as a competence even in professions and theoretical contexts in which it has not traditionally been considered a significant asset. In addition, the study promoted the necessary development of terminology used in the RDT as it broadened the horizon of the theoretical framework as it focused on studying listening in a professional context.

The study also revealed that even though communication competence has been taken into account, at least to some extent, in the ways that professionalism is defined (cf. [Brante, 2013](#); [Sullivan et al., 2007](#)), even though it often is included in a reference to customer relations, listening still struggles for recognition. This is interesting as the results indicated that within the legal field the strong professional listening competence has already been understood to have professional value. These results can be generalized to provide knowledge about professional listening in various fields in which professionals are in interaction with each other or laymen.

Despite the practical contributions and theoretical perspectives that this study has contributed to the research of professionalism and professional communication, there are some limitations that should be addressed in future research. First, since the sample was a convenience sample, it is possible that the judges that participated in the study were more aware of and interested in their communication competence than judges that decided not to participate in it. However, since there are only approximately 500 judges in Finland, the data represent 5% of them, so the results are relatively comprehensive. Second, the limited time of 1 h that was reserved for the interview may have caused the interviewees to exclude information that could have been beneficial for the study. At the same time, interviews like this allow the researcher to use specifying questions in order to ensure that the interviewee is discussing matters that are relevant for the study whereas, for instance, quantitative questionnaires do not allow this.

Conducting a cross-cultural comparative study in which listening in common law and continental law courtroom communication cultures and perceptions of professionally optimal listening would be examined would offer a broader understanding about tensions in professional communication relationships. The professional communication genres that exist within the prevalent communication culture carry principles that conversationalists try to follow in order to express their professional ability. Therefore, it is reasonable to expect that this aspect would provide some additional information about the research interest.

## Appendix A.

### Original question set:

1. If you think about listening in general, what does it mean?
2. If you think about your professional role, what kind of a judge makes a good listener?
3. What kind of a listener do you consider yourself to be and why?
4. How important is listening in your profession? In what kinds of situations is it most important?
5. What do you focus on when you listen at work?
6. When listening at work, how can you influence the communication situation with your own listening?
7. What kinds of strategies do you use at work to be able to listen in the best possible way?

+ Demographic data (gender, age)

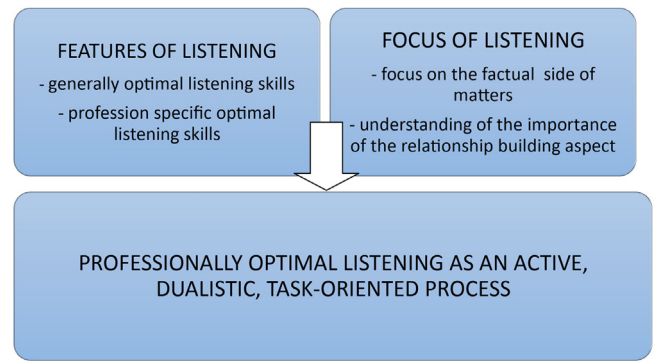
### Questions added to the original question set after focused coding:

1. What kind of listening situations are most challenging in your work? Why? Have you noticed that your own listening was inadequate in these situations? Please give a general example of a real-life situation.
2. How did the challenging listening situations make you feel about your work and listening skills?
3. In what kind of a professional situation have you felt that listening is easy and that you have succeeded in listening? Please give a general example of a real-life situation.
4. How did the successful listening situations make you feel about your work and listening skills?

Tables A1 and A2.

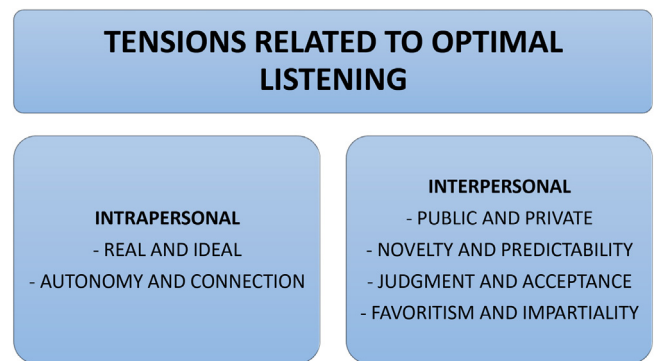
**Table A1**

Professionally optimal listening in the legal context.



**Table A2**

Tensions related to professionally optimal listening.



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# Relational Tensions and Optimal Listening in the Communication Relationships of American and Finnish Legal Professionals

Sanna Ala-Kortesmaa & Pekka Isotalus

*Drawing on relational dialectics, this study examines definitions of optimal listening, the tensions affecting it, cultural differences in both of these and strategies for managing tensions. The participant sample (N = 101) consists of 76 American attorneys and 25 Finnish judges. The results suggest that differences in national communication cultures and the requirements of professional communication affect the definitions of optimal listening. The American participants perceived this as a people-oriented and the Finns as a fact-oriented activity. Both groups experienced reported tensions between real and ideal listening, autonomy and connection, the public and the private, and also between equality and inequality. Culturally, specific tensions were also reported.*

*Keywords:* Professional Communication; Optimal Listening; Communication Relationship; Courtroom Communication

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Differences in constructing meanings and adopting roles in conversations have interested scholars drawing on relational dialectics theory (RDT), which sees interaction as a series of meaning-making processes between the participants of the communication situation (see Baxter, 2010). Traditionally, studies relying on RDT have focused on verbal messages and their interpretations. However, a message always has a dimension of content that is created and expressed in the meaning-making process

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and a dimension of relation that gives information about the intended interpretation of the message (see Bateson, 1951). This two-dimensional characteristic of a message calls attention to listening, because without it communication would not be a process in which meanings can be created. Despite this, practically no attention has been paid to the other side of the interaction process: listening.

In RDT, communication relations have mostly been perceived as personal relationships in which people have varied interests and objectives (Baxter & Montgomery, 1996). Tensions stem from these aspirations, and interlocutors have to manage them in order to communicate. However, these tensions also occur in professional communication, because it may trigger expectations and desires at least as intensive as those in personal interaction (cf. Gerlander & Isotalus, 2010). In a conversation, the role of a listener is passed back and forth, and listeners are likely to experience these tensions, because listeners share a responsibility for the outcome of the communication as do the speakers. Thus, in addition to speaking, listening can be used to manage the relational tensions that also occur in the professional context.

This study can be seen as a response to the lack of research drawing on RDT and focusing on listening in professional communication relationships. Relational dialectics was chosen as a theoretical framework because it sees relations as communicational phenomena and explores those tensions with which a legal context is highly charged. Legal communication forms the context of the study, because in it most of the work is done in interaction and the results of the interaction may have significant impacts on those involved. In a legal context, interaction is both the framework within which the work exists (cf. Julkunen, 2008) and the tool that professionals use to get the job done.

In addition, the way that legal agents should relate in court is changing. Democracy requires legal agents to communicate in a specific way, and when societies change, the ways in which the law is actualized through communication also change. From this perspective, courtroom communication resembles political communication. More is required of those judging and representing clients, and listening has an important role in this, because the dialogic and relational nature of all behaviour derives from listening (cf. Baxter, 2004). Thus, research on listening also contributes to the creation of a more democratic judicial culture.

The purpose of the study was to examine legal professionals' definitions of optimal listening, tensions occurring in their professional relationships, cultural differences in these tensions and the means of managing them in order to understand the dynamics of listening in a legal context. The study also focused on learning more about the effect of the prevalent communication culture on the profession-related listening culture.

### **Listening as a Part of a Professional Communication Relationship**

Listening has traditionally been understood to require concentration and in which information is absorbed, processed and remembered (Nichols, 1948). It has recently been defined more diversely as the process of receiving, constructing

meaning from, and responding to spoken and or non-verbal messages (ILA, 1996). Recent research (Imhof, 2010) has also demonstrated that the act of listening is a complex process including the physical side of listening, presuppositions related to the situation and relationship, receiving the message, semantically processing it and responding to it. Listeners participate actively in a communicative, creative process and control the information received and the meanings derived from it (Brownell, 2010).

In communication research, the term *communication relationship* refers to the relationship that exists between the participants of the communication situation and that is actualized in interaction (cf. Baxter, 2004). The term *professional communication* is used when the communication relationship is actualized in a professional context and professionalism is constructed through the task actualized in the interaction (Gerlander & Isotalus, 2010). In a legal context, even though all participants are required to listen to the others, communication relationships are asymmetric, formal, and distant and may have a significant impact on the lives of the parties, because communication is both a result of parties' action and a means to ensure that justice is visibly and undoubtedly done (Välikoski, 2004). The asymmetry exists both between the professional and the layperson and between the professionals, because one legal agent, the judge, is entitled to regulate the communication. Thus, the interpersonal aspect of interaction is always present in professional communication.

In order to participate effectively in a communication relationship, a person must understand what is required of a listener in a certain communication situation, because listening is the primary process that determines communication outcomes (Brownell, 2010). According to Wolvin and Coakley (1994), *listening competence* builds on a tripartite cognitive, affective and behavioural foundation. This means that the listener needs to know what should be done, be willing to participate and behave in a situationally appropriate way. Listening competence is required in all communication (Imhof, 1998), but especially in those institutional contexts in which communication relationships are defined by different degrees of formality and different hierarchical structures. This variation challenges listeners to use their listening competence in order to meet the requirements of situational listening.

This study claims that examining the understanding of optimal listening from a relational perspective can help legal professionals to improve the functionality of their communication. When performed optimally, listening tends to increase the level of mutual understanding and encourage people to share more information (cf. Wolvin, 2010). This is important in a legal context in which the disclosure of the facts can have a significant impact on how a legal dispute is resolved. However, the optimal way of listening must be determined in every communication relation and situation. The primary goal of the study was to understand the definitions ascribed to the concept of *optimal listening*. Therefore, the following research question was posed:

RQ1. How optimal listening is defined in and shaped by the dialogical connection between the interlocutors in a legal context?

The listening situation is always relational due to its interactional nature. The quality of listening can be affected by the attitudes towards the communication relation (Floyd, 2010).

### Cultural Differences in Professional Communication

Legal communication is usually understood as dynamic and formal verbal and non-verbal interaction. The conventions regarding the format and style of it vary from one country to another. Both in the United States and Finland, professional communication in court is formal and strictly regulated. It seems to have some universal features, such as the central role of listening, even though the common law legal system in the United States is based on case law, meaning that law is developed by legal precedents and the role of juries is important (Duhaime, 2014), whereas in Finland, the legal system is based on continental law, meaning that core principles are codified into a system to be referred to and forming the primary source of law and that in most cases a verdict is given by a judge (Lydorf, 2011).

The prevailing communication culture determines how people should interact. In this article, the term *communication culture* includes the norms and conventions that guide interaction, and it is seen as an organizational and a cultural phenomenon (cf. Schein, 1996). The effect of the organizational communication culture is strong in a legal context, because even though substantial law guides the sentencing of the factual matter, procedural law strictly defines the interaction between procedural subjects. This includes features such as who speaks, when, how and to whom. In Finland, procedural law gives judges more power than in the United States, where in criminal cases verdicts are mostly given by the jury (Nicholson, Yarbrough, & Penrod, 2014).

Even though many of the differences in courtroom communication between the United States and Finland originate from the different legal systems, national communication cultures also affect the professional communication in a legal context. Professional communication genres include principles that conversationalists adhere to when expressing their professional ability and credibility. Since they exist within prevalent national communication cultures, these genres are culturally bound and susceptible to changes (Wilkins & Isotalus, 2009).

North American communication cultures have been studied extensively. It has been noted (Young, 1994) that Americans do not tolerate silence well but fill it with talk and enjoy expressing themselves verbally. In the same study, it was stated that Americans are often less preoccupied with the social appropriateness of their verbal expression than with its personal importance. They seem to use communication primarily to maintain a strong connection with others (Katz, 2003; Pappano, 2001). It is important to establish a friendly link, even if temporary, between the interlocutors (Carbaugh, 2005). American professional

communication culture seems to operate flexibly on many levels: common communicational features include being honest, supportive and sharing, but the concept of personhood emphasizes the notions of 'individual' when interacting with others (Carbaugh, 2009).

Finnish communication culture differs from US-American even though Finland is a Western country and embraces Western values. Many features of Finnish communication are actually associated with Asian communication style (Lewis, 2005). Traditionally, Finnish communication culture has been considered monologic and tolerant of long verbal pauses, because the social as well as informative value of speech is often carefully considered before the utterance (Salo-Lee, 2007, 1996). Studies exploring Finnish communication have focused on verbal interaction (Isotalus, 2009; Välikoski, 2009; Wilkins, 2009), but because silence is a part of Finnish communication culture, the role of the listener has been noticed in recent research. It has been suggested that communication culture in Finland is listener centred, i.e. the role and importance of the listener are emphasized in interaction (Lewis, 1999; Sallinen-Kuparinen, 1986; Wilkins & Isotalus, 2009). Even though Finnish communication culture has begun to resemble US-American communication culture, for instance, in the use of small talk and interrupting the speaker with questions (Nishimura, Nevgi, & Tella, 2008), Finns still tend to consider silence a way of connecting with others through listening (Puro, 2009; Sajavaara & Lehtonen, 1997; Salo-Lee, 1996, 2007) and perceive silence as an attentive way to listen (Lewis, 2005).

Even though the 'taciturn Finn' is a vanishing stereotype, a grain of truth persists. This can be observed in Finnish judicial procedures, which used to be very quiet and literal in criminal cases. The parties still have a right to maintain silence, but silence can also be seen as a part of legal agents' strategic communication competence, especially in criminal proceedings. In 1998, the reform of the judicial proceedings increased orality and transformed the interactional nature of trials (cf. Haavisto, 2002). From the perspective of professional communication, the change has been remarkable: a communication process turns into interaction only when there is a functional connection between the content of the message and how it is communicated (cf. Gerlander, 2003). The difference from American courtrooms is vast, because the oral tradition has thrived there for centuries. In addition, Finnish communication culture is clearly infocentric: the simplicity of message-centred expression marking the preferred performance in speech is preferred over the egocentric and sociocentric motivations for speaking (Sajavaara & Lehtonen, 1997; Wilkins, 2009) that are common in American communication. Infocentrism is observable in court due to the professional task actualized in interaction (Ala-Kortesmaa, Välikoski, & Isotalus, 2011).

Professional communication research has not focused on listening, even though the primary goals of legal practice are achieved in interaction, and listening and knowledge of the jurisprudence have been considered equally important in accomplishing professional tasks (Ala-Kortesmaa & Isotalus, 2012). Legal agents have to adapt to different communicational roles to meet the requirements of their

profession, which requires a strong listening competence. In order to increase the understanding of listening competence, possible differences in the definitions of listening were mapped out:

- RQ2. What kinds of cultural differences can be found in the definitions of the concept of optimal listening between Finnish and American legal professionals?

Different cultures use different communication practices. Listening competence can be improved by learning about these, because culture is a primary determinant of all communication behaviours (Beall, 2010).

### **Relational Dialectics Theory**

The theoretical background of the study relies on RDT. This is a theoretical framework that explores human relations and their dynamics and considers relationships to be constantly changing. In order to communicate successfully, interlocutors must pay constant attention to interaction (Baxter, 2004). Traditionally, RDT has focused on personal communication relationships. Thus, professional communication has been marginalized and considered ‘impersonal’ (Gerlander & Isotalus, 2010). However, the professional relation is ontologically understood as a communication process (Baxter, 2004). The connection between relation and communication is solid and dualistic: relationships are constructed in communication processes between interlocutors. The relation affects the way the interlocutors communicate with each other (Rogers, 2008; Wilmot, 1995). RDT explains meaning making as a process created by competing discourses when tensions, asymmetry of communication and ambivalence of communication relations manifest themselves (Baxter, 2004). The dynamics of these elements become apparent in the interaction when the balance of the communication relation and the formality and autonomy therein are negotiated (Baxter, 2010).

According to the principles of relational dialectics (Baxter & Montgomery, 1996), tensions are inevitable in relationships. Partners negotiate the opposing dialectical tensions emerging in interaction and stemming from contrary desires. Tensions are conceptually located at the interpersonal level, and they depend upon and vary with the context. Thus, contradictions and tension are experienced in professional communication relations as well. Even though the legal context is hierarchical and formal, communication relationships between professionals and clients are not stable and definitive. Legal professionals are expected to manage formal and informal communication relationships, which can be challenging, because people tend to aim at stability (Baxter & Montgomery, 1996).

The few studies using RDT to examine professional communication relationships have focused on relationships between teachers and students (Rawlins, 2000), advisors and advisees (Poutiainen & Gerlander, 2005), and doctors and patients (Gerlander, 2003). However, none so far have focused on the tensions emerging in listening. This study aims to bridge the gap and contribute to what is known

about tensions affecting listening behaviour in the legal context. To this end, the following research question was posed:

RQ3. What kinds of relational tensions are related to optimal listening in legal professional communication relationships?

Also, because professional communication follows the conventions of the prevalent national communication culture, it can be assumed that relational tensions will be affected by it. To achieve a conceptual understanding of cultural differences in tensions experienced by legal professionals, this phenomenon was examined more closely:

RQ4. What kinds of cultural differences can be found in relational tensions between North American and Finnish legal professionals?

The contradictory nature of relating is an element that cannot be underestimated in legal communication: the interdependent expectations of behaviour in self and others can have a significant impact on the functionality of communication. Relational dialectics examines both the unity and opposition of contradictory elements, and offers an excellent framework for exploring the communicational and relational contradictions in both the individual and the relationship between parties (Baxter, 2004).

In relational dialectics changes in relationships and in commitment levels are considered to be related to contradictions (Baxter & Montgomery, 1996). Tensions in communication relations can lead to disengagement if the parties experience a high level of stress (Herrmann, 2007). Thus, people try to manage tensions using various strategies such as segmentation, integration, recalibration and reaffirmation (Baxter & Montgomery, 1996). In their study, these authors stated that segmentation means that people choose to deal with one side of the tension in one area of life and the other side of the tension in another area of life. Integration refers to developing behaviours that will satisfy both sides at the same time, recalibration refers to reframing the tension in such a way that opposition ceases to exist and reaffirmation refers to accepting the tension as a normal, healthy part of the relationship (Baxter & Montgomery, 1996).

In trials, parties are exposed to large amounts of emotional strain due to the uncommon nature of the situation. Legal professionals need to indicate that they are listening attentively and maintain the functional communication relationship by managing relational tensions. However, little research has been conducted on how this is achieved in professional communication. To learn more about the strategies, the following research question was posed:

RQ5. What kinds of strategies do American and Finnish legal professionals use to manage and relieve the relational tensions with when interacting with clients? It is important to conceptualize the strategies used for managing these tensions and enhancing the functionality of the communication. The tensions experienced in the communication situation can affect the interpretation of the relational dimension of the message, because it is often expressed in a non-verbally, i.e. by listening, and may appear ambiguous (Burgoon, 1991).

## Method

### *Participant Sample*

In this qualitative study, the participant sample consisted of 101 legal professionals. Twenty-five of them were Finnish judges and 76 were American attorneys. The American participant sample, found through an attorneys' association, consisted of 69 females and seven males, whereas the Finnish participant sample was more balanced with eight females and 17 males participating in the in-service training seminars arranged by the Finnish Ministry of Justice. Judges and attorneys were chosen because they communicate with the greatest numbers of people in legal settings. Participation was voluntary and anonymity was guaranteed.

The Finnish data was gathered using semi-structured interviews (Smith & Osborn, 2008) that lasted for approximately 60 min. All participants provided written consent. The open-ended questions elicited information on the ways judges understood listening in professional communication situations. The question type allowed the participants spontaneously voice their perceptions of their listening skills. The interviews were audio-recorded and transcribed verbatim, and the transcripts were checked against the audio files. The accuracy of the translation was checked by two bilingual people.

The American data were collected using an online questionnaire with open-ended questions regarding listening in various professional situations. Participation was completely voluntary and participants indicated their consent by answering the questions. The data were analysed as a collective qualitative data-set with the principles of RDT in mind.

### *Data Analysis*

Some grounded theory strategies were used for the qualitative content analysis of the data. Responses were first analysed using open coding (cf. Strauss & Corbin, 1990), and when the comparison of the data revealed more established categories, questions were added both to the interview guide and the online questionnaire in order to gather more information (cf. Glaser, 1965). Research questions 2, 4 and 5 were formed when categories related to them began to appear more consistently. Axial coding was used in a modified form to identify interrelationships among categories and subcategories (Glaser & Strauss, 1967). Finally, core categories were formed during selective coding by unifying concepts and subcategories (cf. Strauss & Corbin, 1990). In practice, all coding methods intertwined due to the inductive nature of the method. Notes and memos about theoretical connections were created during coding. These also served as verification for concept development (cf. Strauss & Corbin, 1990).



## Results

### *Optimal Listening*

The results of the study suggest that in professional communication relationships, optimal listening includes features from both those roles that involve listening and the functions for which listening is used. The prevalent communication culture affects definitions of optimal listening, even though all participants consider listening to be an active, dualistic process. The Finnish participants perceived optimal listening as an activity focusing on the factual content of the message, but also acknowledged the importance of relationship building:

Listening serves the purpose of being here, the understanding and the management of the issue as well as giving the verdict.—In court work, you have good manners when you listen if somebody wants to talk, and that's why we are here having a dialogue. (J1)

The Finnish participants considered an optimal listener to be understanding, patient and able to apply active listening strategies to the listening situation and also to focus on important facts and issues. Listening is often indicated with non-verbal communication and specifying questions, the aim being to find and understand the meanings that the speaker wishes to communicate.

In the American participant group, the way optimal listening was perceived was slightly more complex. The approach to optimal listening was highly people oriented:

The deeper the connection, the fuller the relationship, the easier the listening is. (A53)

I find a personal experience to connect with the speaker, acknowledge feelings. (A35)

The participants expressed a strong concern for others and their message. According to them, optimal listening includes empathising with people. Optimal listeners try to keep an open mind when focusing on the speaker and are aware of their own emotional reactions.

In addition to their people-oriented approach to optimal listening, the American participants indicated that an optimal listener is mentally present in a given situation:

The best method is to focus on that person only and not allow my mind to wander. (A4)

I use non-verbal signals, repeat back my understanding of speakers' statements. (A35)

In the answers concerning the dimension of relation in the communication relationship, the need to listen to the emotional aspect of communication was constantly brought up, but features of fact-oriented listening were also mentioned, even in stressful situations.

*Tensions*

There were four tensions that both cultural groups experienced: tensions between the real and the ideal, autonomy and connection, the public and the private, and equality and inequality. In addition to these tensions, a few others were experienced by one of the cultural groups.

*The tension between the real and the ideal*

In both groups, the tension between the real and ideal seemed to be strong in real listening situations. The Finnish participants noted that they actively compared their listening to their concept of optimal listening:

Good listeners get the other one to talk. They can read the situation and open it. The situation stays controlled and calm and doesn't get too much to the level of emotions. I try to establish this kind of a real contact with the client. (J16)

The greatest tension between real and ideal listening stemmed from the listening situation and was related either to outside factors, such as being in a hurry and hearing traffic noise, or internal sources, such as impatience, lack of concentration and personality traits.

The Americans mentioned internal distractions such as confusion as a source of tension between real and ideal. They also noted external distractions such as haste, but were not very worried about them. The tension stemmed from professional communication competence:

How can I know if it is because the person is intentionally lying or because the person is speaking the truth as he/she knows it? Consistency of body language and written records with verbal statements. Trying to determine person's goals and emotions. (A31)

Professional competence was actively applied when the attorneys reflected on the veracity of the information. In an ideal listening situation, clients would have followed one of the co-operative principles of a conversation (Grice, 1975): the maxim of quality that gives the presupposition to interlocutors that the speaker is telling the truth.

*The tension between autonomy and connection*

The results indicate that participants from both cultural groups knew how crucial it was to establish a relationship with clients. However, the Finns noted that when enough information was gathered, they refrained from establishing connections and adhered to the autonomy of the professional role:

Sometimes it is important to give people some space, so the judge lets people vent and sometimes it is time to stop it so it doesn't overflow. —It's a part of judge's professional competency to know when he has heard enough and it is time to intervene. (J22)

This contradiction is related to the tension between autonomy and connection that describes the human need to be independent yet at the same time in a close

relationship with others. The American participants wanted to bond more with the speakers than did the Finns. They attuned to the emotional needs of clients and wanted their own concern to seem genuine:

It's important to make clients know I care. This includes listening respectfully to what they're telling me, and sometimes what they're not telling me. (A16)

This caused tension between autonomy and connection, because they knew they had to limit their listening and withdraw from the relationship when enough information had been elicited.

#### *The tension between the public and the private*

The findings indicate that even though the goal of legal professionals is to acquire as much relevant factual information as possible, they know they cannot always get it without revealing something about themselves. The Finnish judges often experienced tension between the public and the private in mediations. They tried to use a strategy of deciding what parts of their private lives to bring into public, i.e. for others to see or learn about (Baxter, 2004) in order to get the parties to discuss confidential information:

You have to get the person to open up about what is the most important for them in this matter. —Many times when there's an argument, the real issue doesn't come up until we have one-on-one conversations in private. Not everything can be discussed openly. (J3)

The Finnish judges also noted that they were expected to control mediations with their listening so that only an appropriate amount of information was revealed in a public setting.

The Americans experienced the same tension between the public and the private. They noted that some clients might not freely express their meaning, while some vent, and listening can be used to steer clients towards the situationally appropriate communication goals:

Sometimes going silent in the midst of a more heated moment allows the speaker to regroup to be able to be more productive. (A42)

Listening in group communication situations was considered challenging, because emotions may rapidly rise to the surface, and private issues may become public. This seemed to affect participants' listening and make them more cautious with follow-up questions and feedback.

#### *The tension between equality and inequality*

In trials, the power relations in communication relationships are asymmetrical. The findings of this study show that asymmetric communication relations are a source of tension between equality and inequality. This tension can be explained as the desire to be considered equal versus the desire to develop levels of superiority (Cheney, Christensen, Zorn, & Ganesh, 2011). In the Finnish legal context, a judge

decides when enough has been heard, which may create inequality if someone is allowed to speak longer than others:

We are the ones who are in charge of the preliminary hearing. —It is not a bad thing at all if a judge says that this is unfounded and irrelevant; stop it. Let's move on. (J11)

It seemed that clients who discussed relevant matters briefly were allowed to speak more freely.

The Americans emphasized power relations more than did the Finns. They stated that the tension between equality and inequality was clearly present in listening situations in which they had to keep the professional role in mind. Legal professionals were often in a superior role:

I often lead a conversation and elicit information needed to determine if I can represent someone. I also try to spot if someone is venting/looking for validation of upset. (A29)

Confrontations seemed to increase the tension between equality and inequality.

#### *Other tensions*

Other tensions were also related to optimal listening. These tensions seemed to originate in the prevalent communication culture. Among the Finns, the novelty and uniqueness of the situation were factors that emphasized the dialogical nature of listening:

—being in court isn't necessarily an everyday situation for our clients. This may be the only time in their lives when they are there, —they may not even understand the core of courtroom communication: you are supposed to say what you have to say and mean what you say. —If you don't know how to listen, you don't know how to understand. (J23)

The participants noted that clients often seemed nervous and stressed, and thus less coherent and more difficult to listen to. Tensions between novelty and predictability as well as uniqueness and conventionality are related to the level of familiarity of the communication situation (Baxter, 2004). The more unfamiliar it is for individuals, the higher their stress level is, and the more emotions they attach to the situation. Under the influence of a strong emotion, it is more difficult to listen (Ala-Kortesmaa et al., 2011). These tensions may cause issues for professionals, because they may forget to express their listening and understanding in layman's terms.

The Finns stated that it is important for the contending parties to feel that they are listened to. The judges used listening to demonstrate acceptance and validation to their clients:

In some cases the perpetrators are satisfied with the process even though they are sentenced. The satisfaction comes from the impression that the case has gone well, they have been listened to, and they have been given the opportunities they deserved. (J24)

In these cases, listening seemed to relieve tensions between judgment and acceptance as well as favouritism and impartiality and to reduce the willingness to appeal against the verdict.

The tensions experienced only by the American legal professionals seemed to stem from their communication relationship with their clients. It was important for them to manage these relationships well, and the attorneys discussed the motives that made them listen to the clients:

My strategy is always to let them get it all out for various reasons. One, they get a chance to share their thoughts and feelings. Two, you can get details using this method that you would not be able to get with ‘question/answer’ type formats. (A58)

The tension between instrumentality and affection, i.e. the desire to express affection to gain benefits versus the desire for genuine affection (Baxter & Montgomery, 1996), was present in the attorneys’ communication. The need for information clashed with the desire to convince clients of the attorneys’ genuine concern for them. The tension seemed to stem from American culture, in which genuine relationships build on affection and the instrumental usage of relationships is considered manipulative (Sabourin, 2003).

The Americans also experienced tension between openness and protection that was related to eliciting information from their clients. The accuracy and credibility of the person’s narration seemed to be, in addition to eliciting the facts, one of the major concerns. They seemed to be guided by the norms of their communication culture that call for open, direct self-disclosure (Gudykunst, 2001) whereas clients seemed to have reasons for concealing information.

**Table 1** Tensions related to optimal listening.

Finnish Legal Professionals	American Legal Professionals
	Real and Ideal
	Autonomy and Connection
	Public and Private
	Equality and Inequality
Novelty and Predictability	
Inclusion and Seclusion	
Judgment and Acceptance	
Favoritism and Impartiality	
	Instrumentality and Affection
	Openness and Protection

The summary of the tensions related to optimal listening in professional communication relationships in the legal context can be seen in Table 1.

### *Strategies to Manage Relational Tensions*

Participants in both groups used various strategies to manage tensions and help them to listen optimally. The main strategy used in both groups to manage these tensions was to improve their listening, because it is the main tool for gathering the facts. This behavioural modification can be seen as using the reaffirmation strategy to manage tensions. In both groups, the strategies to improve the quality of listening were internal, external or interpersonal processes. If internal distractions occurred, participants tried to listen better by focusing on understanding, being aware of their own biases and emotional triggers, and by recognizing how their own goals differed from speakers' goals. When the distractions that interfered with their listening were external or interpersonal, they mentioned that in order to improve their listening, they tried to maintain eye contact, summarize what they heard and outwardly exhibit signs of listening.

To alleviate the tension between inclusion and seclusion, the Finnish participants opted for a strategy referred to in RDT as recalibration. The more professional experience they had, the less they felt the need to bond with the speaker:

They are being listened to because the job description of legal professionals so dictates, and you can't go to a friendship zone or empathy zone almost at all. —It is not about forming a close bond with clients; it is about resolving the matter. (J11)

Experience allowed judges to override the tension in the situation. They knew what they needed, because their professional role helped them establish clear communication goals for listening.

The Americans used the segmentation strategy when they focused on managing the tension between equality and inequality. Sometimes clients wanted a listener more than a lawyer:

They want me to act like a therapist, not a lawyer. I attempt to fix the situation by explaining my role as a lawyer and referring them to mental health professionals. (A19)

At times, victims were also frustrated with a legal system that is not able to undo harm done. By using segmentation, participants were able to explain that their listening focused on legal matters. Attorneys noted that this helped to diminish the clients' feelings of being treated unfairly.

Intrapersonal tension between autonomy and connection seemed to be common for the American attorneys. They used the reaffirmation strategy in unpleasant communication situations and increased the amount of patience invested in listening. A similar approach was also used to manage tensions between instrumentality and affection. However, they used the integration strategy for managing the interpersonal tension between autonomy and connection:

I try and repeat what they said to me. I also try to not make assumptions about how they feel and try not to act like I have the answer. I try to help them find their own answer. This seems to make people feel less alienated and more empowered. (A23)

This solution satisfied clients' need to connect with attorneys and to feel empowered.

The summary of the dialectical strategies related to listening that legal professionals used to manage the relational tensions can be seen in Table 2.

**Discussion**

The results of this study indicate that RDT is applicable to listening and professional relationships, because individuals experience dialectical contradictions in their professional communication. Legal professionals continuously manage relational tensions. The American participants approached listening with a relationship-building attitude, whereas the Finns focused on the professional goal of interaction. The findings suggest that the dialogic nature of professional communication relationships is actualized in listening, because the communication relationship frames the way of listening while listening shapes the communication relationship. Dialectical contradictions are not mutually exclusive but intertwined, because the tension between real and ideal listening is closely linked to other tensions.

The differences in the concept of optimal listening and what listening was used for among participants were related to culture and profession. This indicates that listening is a contextual process. This idea is supported by an earlier study in which listening and culture were seen as inseparable (Thomlison, 1997). The

**Table 2** Dialectical strategies used to manage tensions and their effects on listening.

Reaffirmation	<ul style="list-style-type: none"> <li>• Improving real listening towards ideal listening</li> <li>• Accepting the challenging nature of some listening situations</li> </ul>
Recalibration	<ul style="list-style-type: none"> <li>• Using professional experience to set clear communication goals for listening</li> </ul>
Segmentation	<ul style="list-style-type: none"> <li>• Using listening for one purpose at a time</li> </ul>
Integration	<ul style="list-style-type: none"> <li>• Using listening for responding to a client's contradicting needs</li> </ul>

findings of this study show that the narrow expectations of professional role directed listening, but in American culture, clients' perceptions about the role increased its limitations even more. This was partially explained by the fact that the Americans were more interested in the communication relationship and more willing than the Finns to use their listening to invest in it. This finding differs from Wolvin's study (1987), in which Americans were perceived as less willing and patient listeners than Europeans.

The results indicate that tensions between real and ideal, autonomy and connection, public and private, and equality and inequality were found in both groups. This is in line with previous studies (cf. Aultman, Williams-Johnson, & Schutz, 2009; Bauman, 1990; Gerlander, 2003). Overall, legal professionals seemed to listen to their clients with these tensions in mind in order to enhance the collaborative processes of interaction. The more psychosocial information the clients disclosed, the more dialectical tensions the professionals seemed to experience. However, there were differences in how these tensions were experienced, which indicates that the representatives of different communication cultures have different social and identity needs.

In general, the findings suggest that legal professionals preferred a clear professional role, as it seemed to reduce the tensions that a dual role as a professional and a caring listener would bring about. This finding partly agrees with an earlier study (Bridge & Baxter, 1992) which noted that the more formal the organization is, the greater is the distance in relationships. The present findings indicate that the clearer the professional role was, the fewer other tensions there seemed to be, but simultaneously, the tension between equality and inequality occurred. In court judges have the power to indicate with their listening who speaks, when, and for how long. This goes against the spirit of equality (cf. Floyd, 2010), because it does not follow the orientation of equality in the sense that people could communicate freely. This tension can be understood as interactional, occurring in the listening situation, and as contextual, being caused by organizational structures that trigger the interaction. It seems to go through some contextual-level changes depending on the formality of the communication situation. Thus, listening relationships may be ambivalent and alternative conceptualizations of listening can be applied by legal professionals depending on the level of cognitive investment required in the situation.

In addition to the tensions common to both cultural groups, the tension between novelty and predictability seemed to have a major impact on communication in Finnish trials. The Finns in the present study were emphatic toward clients indicating distress in a new communication situation. It was considered a sign of professional competence to take the effects of this tension into account in order to meet both individual and collective, i.e. professional, goals of interaction. This finding differs from those of an earlier study (Mcguire, Dougherty, & Atkinson, 2006), in which it was noted that negative behaviour on the part of the lay-participant of the communication relationship promotes distance on the part of the professional. Instead, the Finns took pride in managing this tension, which



suggests that the feelings of relational satisfaction stemming from the successful management of tensions have an effect on legal professionals' well-being at work.

The American participants seemed to understand that tension between instrumentality and affection was unavoidable in listening relationships. This may enhance their ability to manage them and reduce the amount of work-related stress. Relational uncertainty and stress can prevent feelings of renewal from appearing (Boyatzis & McKee, 2009), thus experiencing them is not conducive to participants' well-being. The legal professionals also seemed to take a learning approach towards tension between openness and protection. This kind of receptivity to a different perspective invites interlocutors into a dynamic conversation and helps them to make strategic decisions about listening that promote the shared construction of dyadic closeness.

The findings indicate that among the two cultural groups, several similar strategies were used to manage the relational tensions in communication relationships between laymen and professional lawyers. It is more likely that the tension itself was the reason for choosing a certain management strategy rather than the prevalent communication culture. Participants in both groups accepted the occurrence of tension between real and ideal as inevitable when people with conflicting interests interact so they used reaffirmation to minimize its effect. This seemed to work as a satisfactory coping strategy that gave the interlocutors an opportunity for growth. The segmentation and integration strategies were used to manage the dialectical relationship in practice and guide the communication toward the situational goals. These strategies seemed to indicate a systemic mode of listening-related thinking, because by making one aspect of a tension important at a time and selecting the aspect needing attention in a particular situation, participants negotiated the dynamics of the interaction, improved its functionality, and mitigated the impact of these tensions. This indicates that the study also contributes to the dialectical theory, because the findings tap into the core concept of relational dialectics (cf. Baxter, 1990): communication is a process, so an understanding of it can only be reached if the focus is on the process. In her study, Baxter found that segmentation and integration were the most frequently used relational tension management strategies in personal relationships, but this study shows that they are also used in professional relationships.

Another important contribution of this study is that it offers the first comprehensive analysis of listening-related dialectical tensions and indicates that tensions and strategies to manage them can also have an effect on legal agents' well-being at work. However, there are limitations that should be addressed in future research. One of the methodological limitations was the effect that participants' different occupations could have on the comparability of the results. Despite this difference, participants seemed to approach legal listening situations similarly and consider listening as an important part of professional communication competence.

Another limitation was the two means of data gathering. Since both methods allowed the modification of the questions after the preliminary coding indicated

the existence of certain categories, they were considered to produce suitable material for comparison. In addition, the gender distribution of the American participants may have affected the results. However, there was no emphasis on the relationship-building aspect of communication among the Finnish female participants, so cultural reasons may underlie the difference in its importance.

In addition, interviewing laymen who interact with the justice system, examining communication-related power relations in court and analysing political communication issues related to the relationship between judicial behaviour and culture might have yielded a more profound insight into the listening in a legal context. Investigating the background of communication-related judicial asymmetry could have also been informative. In the future, it would be beneficial to obtain a confirmatory perspective by conducting a study that addresses these limitations.

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## Professional Listening Competence Promoting Well-Being at Work in the Legal Context

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This qualitative cross-cultural study sought to contribute to the understanding of listening competence, dialogic listening, and the use of human agency in promoting well-being at work. The participant groups ( $N = 103$ ) consisted of  $n = 76$  U.S.-American and  $n = 27$  Finnish attorneys. Results suggest that in order to examine listening and well-being at work, a term professional listening competence had to be constructed. The results further suggest that a sense of a strong professional listening competence leads to positive experiences of self-efficacy and personal agency regarding the management of professional interaction by listening. These empowering experiences serve to alleviate work-related stress and have a positive effect on well-being at work.

Attorneys' well-being is important for their clients because the common goal is to resolve the matter in the best possible way. The better people feel about their jobs, the more they tend to invest in them (Shanafelt et al., 2005). A key component in maintaining and enhancing this well-being is communication. Although researchers have examined the connection between communication, including listening to others, and well-being at work, particularly in business (Juholin, 2006; Pekkola, Pedak, & Aula, 2010), health (Blegen, 1993; Manojlovich, 2005; Van Ess Coeling & Cukr, 2000), and education contexts (Day, 2013; DiClemente, Ditrinco, Gibbons, & Myers, 2013), much less attention has been paid to this connection in the legal context. While the results of these studies support the notion that well-functioning communication relations are closely linked to increased job satisfaction, no conclusive results have been presented on how professionals' listening competence may affect their well-being at work. The gap between research focusing on improving the well-being of others at work through listening and research focusing on the enhancement of one's own well-being at work through listening requires more attention, especially given the scarcity of research focusing on listening in the legal context.

This legal context was chosen for the framework of this study because trials as communication situations are highly structured, formal, and hierarchical (Välilikoski, 2004), making the context in which communication takes place very different from the business, health, or educational contexts. In these the interaction is not as institutionalized as in the legal context. In legal proceedings the reason for the participants' attendance is institutional (justice must be done), the interaction is

occasioned by this institutional goal (justice must be seen to be done through interaction), and the interaction takes the form of strictly regulated institutional proceedings (justice is served through legal procedures under the guidance of a judge and with the assistance of attorneys; Välikoski & Ala-Kortesmaa, 2014). This imposes requirements on the listening of attorneys; the institutional aspect, that is, the professional objectives, are strongly emphasized. Attorneys were therefore chosen as the participant group in this study. Since attorneys interact with a number of people with various backgrounds in very different listening situations depending on their area of legal practice, most of the listening situations discussed in the article were delimited to refer either to trials or to negotiations with clients either before or during the trial. In these situations attorneys listen to the most diverse group of speakers on various hierarchical levels ranging from clients and witnesses to other attorneys, prosecutors, and judges. All these professional communication relationships stress the importance of using dialogic listening because it promotes the mutual understanding of the legal matter, which, in turn, is one of the goals of the legal principle of orality in trials (Välikoski & Ala-Kortesmaa, 2014).

Enhancing our understanding of the role of listening in the legal context is important for numerous reasons. First, it is reasonable to assume that the listening competence of legal professionals is linked to their professional communication competence. Second, the better the listening competence, the more likely are such professionals to be able to fulfill the needs of their clients, which brings them professional satisfaction. This type of listening, taking account of the requirements of the listening situation is called dialogic listening (Floyd, 2010; Stewart & Thomas, 1995), and is one of the core concepts of this study. Dialogic listening emphasizes conversation as a shared activity focusing on the present events in the communication relationship, and encouraging an open-minded approach to interaction (Stewart & Thomas). Third, the feeling of well-being at work is likely to increase legal practitioners' professional enthusiasm and their willingness to invest more time in achieving better results for clients.

This qualitative study, positioning itself in the theoretical framework of social cognitive theory (SCT; Bandura, 1991), can be seen as a response to the marginal role of listening in professional communication research. Traditionally, listening has been examined as an observable behavior of others (Imhof & Janusik, 2006), but in the study at hand the primary focus is on legal professionals' own perceptions of their listening competence. This perspective makes SCT an appropriate approach for the study because the key idea of the theory is that people learn from others and modify their own behavior according to what they have learned (Bandura, 1991). It is therefore assumed here that people can learn from observing their own behavior. Other core concepts of SCT are self-efficacy, outcome expectations, goal setting, and self-regulation (Bandura, 1991). The concern of this study is the ways in which listening competence can be actively used to promote well-being at work by applying self-efficacy.

## DIALOGIC LISTENING AS A PART OF PROFESSIONAL COMMUNICATION COMPETENCE

Communication competence has been understood traditionally to be constructed from attitudes, knowledge, and skills (Rubin, 1982; Spitzberg & Cupach, 1984). In this study, the definition of *communication competence* draws on this perception, but such competence is also understood to extend to what actually occurs in face-to-face interaction, involving self-disclosure, empathy, assertiveness, interaction management, altercentrism, supportiveness, immediacy, and environmental control (Rubin & Martin, 1994).

Communication goals guide listening (Wolvin, 2010). This is particularly true in professional communication, in which the professional goal for listening intertwines with personal goals such as bonding with the speaker. In this study, listening is understood as “the process of receiving, constructing meaning from, and responding to spoken and/or nonverbal messages” (International Listening Association [ILA], 1996). As the definition indicates, listening is a complex process that requires processing in short-term and working memory, and thus, a good *listening competence* requires a range of cognitive skills, adaptive affective capacity and a wide selection of applicable behavioral models (Wolvin). Listening competence can be seen both as a component of communication competence and as a parallel competence that can be examined separately. Listening competence is an important skill when attorneys use interaction to effectively achieve the professional goals they have set for a communication situation. When they know what they have to listen to and why, they know to adopt the necessary behaviors in order to achieve their goals (Wolvin).

People tend to have a conception of what kind of listening is considered situationally optimal and tend to aim at this in their listening, especially in their professional communication (Flynn, Välikoski, & Grau, 2008; Rubin, 1982). This indicates that they approach the listening situation with a preconception that different situations call for different listening styles. Stewart and Thomas (1995) note that even though situationally aware listening is often understood as active listening, dialogic listening often works better in contexts such as the legal context, in which a problem has to be solved. This is because it does not aim at adopting the emotions of others or interpreting their thoughts and meanings. Instead, the goal of dialogic listening is to create shared meanings and explore the content of other’s claims in order to facilitate shared understanding (Stewart & Thomas).

When listening situations are approached dialogically, attitudes towards them are direct and free from manipulative intent (Johannesen, 1971). In legal communication it is important not only for attorneys to listen dialogically but also to be aware if the speaker is communicating dialogically. This dual aspect in dialogic listening, a term coined by Floyd (2010), requires much of the listening competence of attorneys because in order to listen dialogically they should listen sincerely, let the speaker communicate freely, accept that the speaker is a person of worth, and create a supportive communication climate. This may be challenging, because there are no guarantees that the speaker will communicate dialogically or follow culturally or situationally set rules of conversation.

In this study, listening competence is approached specifically from the standpoint of a separate competence in order to achieve a more comprehensive understanding of how competent attorneys consider themselves to be as listeners. Focusing on listening as a part of professional communication competence also emphasizes the relational aspect of interaction that is present in the work of attorneys. Thus the following research question was formulated:

RQ1: How do attorneys assess their own listening competence and how do they feel about dialogic listening in relation to it?

According to Ala-Korteesmaa and Isotalus (2014), in the legal context situationally optimal listening is related to the values of both the national and the organizational communication culture: In the Finnish legal context the optimal listener is patient and sifts facts from irrelevant information, whereas U.S.-American legal professionals value people-oriented listening. In general, listening



is considered extremely important when accomplishing professional tasks. However, the above-mentioned study did not explore how legal professionals rate themselves as listeners. This merits further investigation because not only can the attitudes toward another person affect the quality of one's listening (Floyd, 2010), but also because the attitudes people have toward themselves as listeners affect how they listen. It is possible that attorneys' perceptions of themselves as listeners have an impact on how engaged they are in the communication process.

### ATTORNEYS' USE OF HUMAN AGENCY IN PROFESSIONAL LISTENING RELATIONSHIPS

Professional communication usually follows the norms and conventions that guide interaction in a certain professional context. Interlocutors observe each other and pick up cues about the communication process, but they also observe and regulate their own behavior. According to Bandura (2001), the capacity to exercise control over the quality of one's own life is the essence of humanity. This study draws on Bandura's concept of *human agency*, which refers to the capability of a person to control his or her own behavior and also to some extent that of others. This notion is a key component of social cognitive theory (SCT; Bandura, 1997, 2001) that constitutes the theoretical framework of this study. The theory suggests that all learning occurs in a social context in a dynamic and reciprocal interaction, and assumes that goal-directed behavior can be achieved through self-regulation (Bandura, 1991).

In SCT, agency is seen to consist of intentionality and forethought, self-regulation by self-reactive influence, and self-reflectiveness regarding one's own capabilities, functioning, and quality of life, (Bandura, 2001). People's ability to exercise control over their own actions and situational events is seen in this study as a core component in the process of promoting well-being by becoming more acutely aware of and improving their listening competence. The concept of agency can be approached from three different perspectives: in personal agency a person is responsible for controlling the situation through his or her own behavior, in proxy agency the individual relies on others to behave in a way that serves one's best interests, and in collective agency socially coordinated and interdependent efforts are means to control the situation (Bandura, 1997). In this study, due to the perspective of self-improvement of the listening competence and well-being at work, the focus is mainly on personal agency operating in the listening competence of attorneys, and collective agency formed by the network of attorneys' professional communication relationships.

According to Bandura (2001), human agency operates within a network of sociocultural influences both as a part of it and as a producer of it. In this study, these influences are considered to be interpersonal, organizational, and cultural. Attorneys have to modify their professional communication competence, that is, the personal level of sociocultural influences, according to the relatively strict and hierarchical norms and conventions of courtroom communication, which forms the organizational level of sociocultural influences.

The skills included in professional communication and listening competence vary across cultures. The members of an organizational group may have different cultural expectations regarding the use of human agency and cooperation in order to achieve a certain goal. This may be due to differences in both organizational and national cultures. The sense of efficacy caused by an appropriate use of human agency, whether originating in individually or collectively achieved

goals, contributes significantly to the individual's feeling of self-management and productive functioning in an organizational context (Earley, 1994). A low sense of coping efficacy in an organizational context is considered stressful in low-context, individualistic cultures (Matsui & Onglatco, 1991). People from all national cultures experience the highest sense of self-efficacy when their personal psychological orientation is congruent with the structure of the social system (Earley). From the perspective of dialogic listening, both the role of attorneys as the agents of their own self-reflectiveness and their self-reactive influence when improving well-being at work through listening competence are crucial. In order to arrive at a more profound understanding of how attorneys' well-being at work could be enhanced, the following research question was formulated:

RQ2: How do attorneys use human agency and self-efficacy in professional listening situations?

The cross-cultural perspective in this study also responds to the need (Kim, 2001) for more cross-cultural research examining the similarities in the communicative functions that have spread and begun to undermine the social and cultural normative systems and made them more interdependent in Western societies.

## PROFESSIONAL COMMUNICATION AND WELL-BEING AT WORK

Professional communication is an important factor in well-being at work (Bentley, 2010; Gunn, 2001). In this study, the term *professional communication* is used when the communication relationship between the interlocutors occurs in a professional context and professionalism is constructed through the objective of the interaction (Gerlander & Isotalus, 2010). The role of listening as a part of professional communication competence is sometimes underestimated (Bodie, 2011), which is surprising given that it is acknowledged to be an important concept (Spitzberg & Cupach, 1984). However, earlier studies (Ala-Kortesmaa, Välikoski, & Isotalus, 2011; Ala-Kortesmaa & Isotalus, 2014) report that legal professionals understand the importance of listening as a part of their professional communication competence.

In the legal context certain principles guide the nature of communication. The interaction in a trial is decidedly hierarchical and asymmetrical (Välikoski, 2004) because communication is used both for justice to be done and for justice to be seen to be done. However, some of the interaction of attorneys is informal, for instance, private negotiations with clients. Thus the requirements for their professional communication are relatively dialogical and emphasize the relational aspect of the communication relationship.

The more satisfied people are with their communication relationships, the higher their reported job satisfaction (Blegen, 1993; Wheelless, Wheelless, & Howard, 1984). This can lead to a heightened feeling of well-being at work (Pekkola et al., 2010). In this research, the term *well-being at work* refers to people's perceptions of their existence in a work context (Russell, 2008) whereas *job satisfaction* is seen as a narrower concept referring to the level of contentment a person feels regarding their job (Skaalvik & Skaalvik, 2014). Well-being at work consists of emotional well-being and positive functioning covering both psychological and social well-being (Keyes, 1998; Keyes & Magyar-Moe, 2003). Subjective well-being at work has been shown to promote positive work outcomes (Russell). Pekkola et al. noted that informal face-to-face communication can improve subjective well-being at work. According to them, this also applies to situations in

which stress factors and time constraints affect the subjective well-being of a worker because people who have a positive approach to professional communication are less affected by these. The work of attorneys abounds in stress due to new information, uncooperative witnesses and strict timelines, so it can be assumed that if they consider themselves to have good listening competence, this may contribute to their subjective well-being at work. In the Finnish legal context unexpected witnesses are also a factor increasing stress in the work of attorneys, while in the United States this is not a problem for attorneys because the legal system requires all witnesses to be named before the trial (Pretrial information exchange, 2000).

Earlier research reports that communication is essential at work when promoting well-being related to positive atmosphere, motivation, engagement, and open flow of information (Juholin, 2006; Parker et al., 2001), as well as to communality and participation (Pekkola et al., 2010; Shanafelt et al., 2005). These factors, when related to job satisfaction, were studied from the perspective of communication, but the connection between professionals' perceptions of their listening competence and job satisfaction has yet to be examined. However, dialogic listening includes features applicable to managing and enhancing these factors, thereby improving well-being at work, because listening is central to the process by which effective communication is created (Brownell, 2010). The following research question was therefore formulated:

RQ3: How does the listening competence of attorneys promote their subjective sense of well-being at work?

Given the impact of communication competence on job satisfaction through achieved goals, understanding the connection between listening, communication, and well-being at work is essential when the objective is to provide people with means to promote their own well-being.

## NATIONAL AND ORGANIZATIONAL COMMUNICATION CONTEXTS

At a cultural level, this study focuses on two Western low-context (Gudykunst, 2001) cultures to avoid the common East-West comparison between two different communication cultures. From the perspective of this study, the Finnish and U.S.-American communication cultures are particularly interesting. Even though both are low-context cultures and the main structures of communication are the same, there are some differences in the communication cultures as well. Finnish communication culture has been considered seemingly message-centered and listener-centered (Sajavaara-Lehtonen, 1997; Wilkins, 2009). This means that infocentric speech, that is, speech characterized by simple syntax and loaded with information, is preferred over speech carrying more sociocentric values. In earlier studies (Carbaugh, 2005; Katz, 2003), it has been noted that U.S.-Americans focus more on the social aspects of the interaction while clarity is still appreciated, and it is the responsibility of the listener to understand what the speaker is trying to convey (Gudykunst, 2001).

In the courtroom context, it has been reported that U.S.-American legal professionals tend to be more relationship-oriented in their listening than their Finnish counterparts, and that they are, in general, more concerned about how they are perceived as genuinely caring professionals than are Finns, who are more concerned about creating an impression of being reliable, dedicated professionals (Ala-Kortesmaa & Isotalus, 2011, 2014). Most likely this is attributable to the

differences in the U.S.-American and Finnish legal systems. In the United States, the common law legal system is based on case law, meaning that law is developed on the basis of legal precedents (Duhaime, 2014). The verdicts of courts are often made by juries, on whom the impression conveyed by the attorney may exert influence. The better attorneys are capable of putting themselves in the position of the members of the jury, the more likely they are to find a communication style that resonates with the jury. This indicates again that listening competence is an important professional skill for attorneys. In Finland, the legal system is based on civil law, meaning that core principles are codified into a system that can be referred to and that serves as the primary source of law (Lydorf, 2011). Both systems and the ways of communicating in them are influenced by national communication cultures.

However, both these countries are low-context countries (Gudykunst, 2001), so there are also many similarities in professional communication in the legal context. In both the key elements of courtroom communication involve eliciting the facts and forming a well-functioning communication relationship with others and treating them respectfully (Ala-Kortesmaa & Isotalus, 2014). In this current study, a cultural comparison regarding the results of the research questions is an ongoing phenomenon. The purpose of the cultural comparison is to reveal the possible differences and nuances that the similar, yet different prevalent communication cultures may cause in people's perceptions of themselves as listeners and in how this affects their well-being at work.

## METHOD

In this qualitative study, the participant group ( $N = 103$ ) consisted of  $n = 76$  U.S.-American attorneys (A), of whom 69 were females and 7 were males, and of  $n = 27$  Finnish attorneys (F). The gender distribution was more equal in the Finnish participant group with 14 females and 13 males. Attorneys were chosen because, of all legal professionals, they interact with the widest variety of people but still are not in the most dominant role as regards managing interaction in trials. Thus their listening competence has to be sufficient for listening to superiors, equals, and subordinates.

Data were gathered using a questionnaire including open-ended questions (Appendix 1) on listening. The English and Finnish questionnaires in their original and modified forms included the same questions. An open-ended question type was chosen in order to let the participants freely disclose information. The length of the answers was not restricted. The Finnish part of the data was gathered in further education seminars organized by the Ministry of Justice in Finland, and the U.S.-American data were gathered through an online questionnaire available in SurveyMonkey, which respondents were able to access after receiving a hyperlink by email. Participation was completely voluntary and the participants indicated their consent by answering the questions. The data were analyzed as a collective qualitative data set.

Some grounded theory methods were used for the qualitative content analysis of the data. Open coding was used in the first stage of the analysis (Strauss & Corbin, 1990). At this stage the raw qualitative data were focused and labeled. Then the coding was re-examined and further focused when needed. Certain concepts started to form categories, and when they seemed more established, questions were added to both questionnaires (Appendix 1) to gather more information on the categories (Glaser, 1965). The data gathered by the modified question set went through the stages of open and focused coding again. Then a modified form of axial coding was used to

identify interrelationships between categories and subcategories (Glaser & Strauss, 1967). This was done by focusing on the conditions related to listening, whether they were contextual, structural, or causal, as well as on the consequences of the interaction related to listening. At this stage a preliminary theoretical framework began to take shape giving an indication of the complexity of the professional listening competence. Finally, selective coding was used to form core categories by unifying concepts and subcategories (Strauss & Corbin, 1990). At this last stage, it was possible to confirm the theoretical model related to listening competence. In practice all means of coding are interrelated due to the inductive nature of the method. Given that the conceptual development has to be as transparent as possible (Strauss & Corbin), memos about theoretical connections were created during coding.

## RESULTS

The study examined the listening of attorneys in relation to their well-being at work by analyzing their listening competence, dialogic listening, and the use of human agency.

### Listening Competence of Attorneys and Dialogic Listening

The first research question of the study focused on how attorneys assess their own listening competence and how they feel about dialogic listening in relation to it. The results suggest that when participants contemplated their listening competence, the features they associated with it were so profession-specific, that, instead of talking about listening competence, the concept to be constructed was professional listening competence. In general, most of the U.S.-American attorneys categorized themselves as either average or good listeners and justified their evaluations realistically:

I'm a good listener, but not a great one. I sometimes butt in before the person speaking is done talking and therefore, I have not fully gotten their point. (A25)

In the context of doing legal work I consider myself to be certainly better than average at listening because it is necessary to perform my job well. (A55)

The importance of being a good listener at work was emphasized even though the U.S.-American attorneys acknowledged that they sometimes tended to use cross-examination strategies in order to get straight to the point and expedite the dialogue.

The analysis of the answers of the Finnish respondents revealed that they also considered themselves average or good listeners. The work context seemed to determine the objectives they set for listening competence by providing a framework and clear guidelines for their listening:

I try to find the important information from the stream of speech. Eh, I see my professional role in such a way that a lawyer cannot be a sympathizer. (F7)

Time restricts listening at work and requires me to hold the reins. Time constraints call for good scheduling and efficient questioning skills. It is important for me to ensure mutual understanding. (F27)

It seemed important for the Finnish attorneys to articulate that their strong communication competence allowed them to elicit the essential facts from a stream of speech.

The results also suggest that dialogic listening is a part of attorneys' professional listening competence. However, there was cultural variation in themes related to the ways dialogic listening was experienced. The U.S.-American participants were concerned by the lack of it, especially in listening situations that included interacting with colleagues:

When an opposing attorney plays dirty and attacks me personally, I tend to respond emotionally, and my ability to understand what is going on diminishes rapidly. (A34)

As noted, participants experienced stress when listening was not dialogic. Listening situations that fell under this theme also included discussions with colleagues about mentally pressing matters and confrontations with the opposing party. The U.S.-American attorneys found the lack of reciprocal dialogic listening with emotional and venting clients challenging.

Another theme that emerged when analyzing the responses of all participants was dialogic listening that evolved subtly. In certain situations advanced listening skills were required as some clients were trying to hide the point and be evasive:

The most difficult listening situations involve persons who talk in circles and provide answers that are not truly responses. Then it is tedious to reframe questions in an attempt to obtain the information needed. (A59)

The participants mentioned that listening between the lines was very common in professional communication situations. This is a typical feature of dialogic listening, because it indicates that the listener makes a genuine effort to understand the meanings and motives that the speaker expresses.

Among the Finnish attorneys some themes of dialogic listening were client-related:

My tolerance level is exceeded when clients are emotional or repeat things. (F7)

A story conveyed by an interpreter is challenging, because it may be distorted due to differences in languages and how the interpreter understands things. Also, listening to children because they may be shy and their self-expression skills undeveloped. (F5)

As these examples indicate, the Finnish attorneys also perceived dialogic listening to be a part of their professional listening competence in situations in which speaker-related issues hindered dialogic listening. The participants stated that it was difficult to listen properly and elicit relevant information from clients if they were emotional, excessively talkative, aggressive, incoherent, blaming the system, hard to redirect, lacking language proficiency, or mentally ill or disabled.

Another type of situation in which Finns acknowledged the importance of dialogic listening was listening in court. Hearing evidence and conducting cross-examination were mentioned most often as challenging situations for dialogic listening:

Sometimes it is hard to ask the right specifying questions, and then you end up lacking some information. (F16)

Cross-examinations are difficult when you have no idea what the opposing party's witness will talk about. (F19)

These examples indicate that situational stress and time constraints may impede the appropriate use of dialogic listening. The Finnish participants also mentioned that trials required multitasking, making it difficult to listen dialogically. They were also concerned about the communication skills of judges and worried about their unclear orders and long monologues.

### Use of Human Agency and Self-Efficacy in Professional Listening Situations

The second research question of the study focused on examining the use of human agency and self-efficacy in the professional listening situations of attorneys. The results suggest that there were cultural differences between the participant groups in how they managed listening situations that challenged their listening competence. Most of these differences involved variation in perceived self-efficacy using human agency. The U.S.-American attorneys were concerned about their self-efficacy in situations in which clients vented their frustration on attorneys:

When clients are using me to vent their frustration rather than focusing on the problem, my ability to listen runs out before their ability to finish venting. (A15)

This comment implies that attorneys acknowledge that their listening competence did not cover listening to clients not focusing on the professional task. It also implies that they did not make adequate use of personal agency when listening to them in order to achieve professional objectives. The situation called for self-incentives to sustain the possibility of goal achievement.

In general, the self-reflectiveness of the U.S.-American participants was high:

Sometimes I feel surrounded by people whose minds work faster than mine, so if I need extra time to listen or a clarification of a point, I feel like my ultimate input may not be as valued. This can result in feeling nervous and missing the point of what is said. (A45)

The comment suggests that the attorney is actually engaging self-efficacy in the professional listening situation when trying to apply different strategies in order to better understand the topic, even though the perceived self-evaluation is slightly negative. The U.S.-American respondents used this type of collective agency more than the Finnish respondents to enhance well-being at work, when listening-related self-efficacy allowed them to feel more empowered.

The Finnish attorneys seemed to be more motivated to engage in active personal agency than their U.S.-American counterparts. They therefore also experienced feelings of self-efficacy more easily when achieving the professional goal. In general, the Finns were not so preoccupied with their clients' emotionally loaded interaction as the U.S.-American attorneys, but they were more concerned with the coherence of clients' statements and listening to the necessary facts:

Listening can be quite challenging when a client does not know what they want or gives a very colorful and vague description about the situation. (F4)

A client often does not explain things chronologically, then argues with a friend about how events proceeded, use different names interchangeably, and assume that I understand when they say "then he called and said that I called her and we agreed and I got it." Then I have to make sure I know who, what, and to whom. (F10)

In court, fulfilling the professional task was the main purpose of the interaction. The appearance of surprise witnesses and the inability to be prepared for the situation, as well as a possibility of failing in the use of personal and collective agency and in optimal completion of the task, were of great concern to Finns but not mentioned once by the U.S.-American attorneys.

Stress factors, such as distracting behavior of the opposing attorney, formed a minor theme when the personal experience of self-efficacy through the use of human agency was analyzed. These factors diminished the listening competence satisfaction of respondents because their perceptions of their personal agency when controlling the situation by listening were not as strong

as in positive listening situations. This seemed to impair their subjective well-being more than situations involving stress factors due to negative perceptions of the proxy agency.

### Listening Competence in Challenging Listening Situations and Well-Being at Work

Finally, the third research question of the study sought information about how the professional listening competence promotes attorneys' subjective sense of well-being at work. The results suggest that in the professional context, they sometimes feel that their opportunities to engage listening competence and control interaction are limited. However, all the attorneys used listening competence when possible to direct the conversation toward the situational goal. This type of listening behavior seems to raise their level of self-efficacy in a strictly controlled, hierarchic professional context.

According to the U.S.-American respondents, there were two types of situation which diminished their subjective sense of well-being at work. First, their listening competence experienced the greatest challenges in professional listening situations with clients:

When confronted with hostility or a negative attitude, collecting relevant and necessary information is tough, because the communication is very unpleasant. I don't think my listening is inadequate then, but it requires more effort and patience on my part. (A3)

When professional listening competence is challenged in this manner and more effort is required to ensure coping, emerging stress factors may diminish the sense of well-being.

The second type of situation in which the U.S.-American attorneys experienced frustration was interaction with colleagues:

In large group situations each speaker is not necessarily hearing what the previous speaker just said. I have to fight the need to summarize what is going on or how we're progressing on an issue. Maybe I'm not hearing some political subtext. (A20)

If I tell an assistant "we need to do x" and "y" is done, that's frustrating. I need to re-think how to give instructions in an effective, productive way that is not perceived as criticism. Maybe I didn't listen well enough to notice why my orders were misunderstood. (A31)

As these examples indicate, the attorneys actively used their listening competence and self-efficacy to improve the interaction in a listening situation, thereby reducing the frustration they felt at work. This may be fueled by self-motivation when attempting to increase the meaningfulness of work by achieving personally or institutionally set professional goals.

Among Finnish respondents, the types of situations that undermined the sense of well-being were related to behaviors expected from or aimed at them. The first type that emerged was related to stressful listening situations that the attorneys had to enter unprepared:

The most challenging listening situations happen if you have a surprise witness that you know nothing about in advance. (F11)

As surprise witnesses were mentioned a few times by different participants, the attorneys apparently thought that getting enough information about witnesses in advance was important for having an opportunity to set listening goals and to achieve them in a professional listening situation.



Another type of listening situation that impaired the attorneys' sense of well-being was the occurrence of unprofessional behavior:

It is hard to listen adequately when you feel that you are treated unfairly at trials, like a matter-of-fact request, such as to ask a question, is repeatedly denied. (F27)

When they felt that their expectations about the trial being fair were not met and their listening competence did not seem to measure up to the requirements of the situation, stress impaired the attorneys' listening. In addition, colleagues sometimes affected the respondents' well-being at work with their apparent lack of professional communication competence:

The opposing party's attorney may make listening challenging by being deliberately annoying and prolonging the proceedings by explaining the history of everything that could be relevant but from my perspective is not at all. (F25)

The participants noted that it was important to identify this type of behavior as it enabled them to engage their professional listening competence, redirect the person and thus express behavioral attainments in the valued domain, that is, in court or in negotiations, that seemed to produce satisfaction and promote well-being at work.

## DISCUSSION

The purpose of this study was to explore the connection between listening and well-being at work among attorneys through the concepts of listening competence, dialogic listening, and self-efficacy. The results are interesting, both theoretically and practically, and have not been described before in prior studies. They confirm that in a professional context, the general features of listening competence do not suffice to describe the vast array of requirements imposed by a particular context. This directed the study to focus on the construction of a more refined concept of professional listening competence and on the development of a model describing the connection between strong professional listening competence and an elevated subjective sense of well-being at work. The culturally comparative perspective was also applied to the examination of the data, and results related to cultural differences are discussed in this section in conjunction with other topics, not separately. A summary of the main results including the components of professional listening competence and the contexts affecting it is presented in [Figure 1](#). The same figure shows how professional listening competence affects the achievement of professional goals. This can lead to a higher sense of self-efficacy which, in turn, is conducive to a subjective sense of well-being at work.

The results lend support to the assumption that the attorneys consider listening an important part of their professional communication competence and that they see themselves as average or good listeners who use active listening strategies in order to achieve professional objectives. Ala-Korttesmaa and Välikoski (2008) obtained similar results in their research regarding the goal-oriented listening style of Finnish legal professionals. The definition discovered in this current study suggests that professional goals guide listening to the extent that the traditional definition of listening competence focusing on the communication and requiring cognitive skills, affective capacity, and behavioral models is insufficient to cover the skills required. Here it is suggested

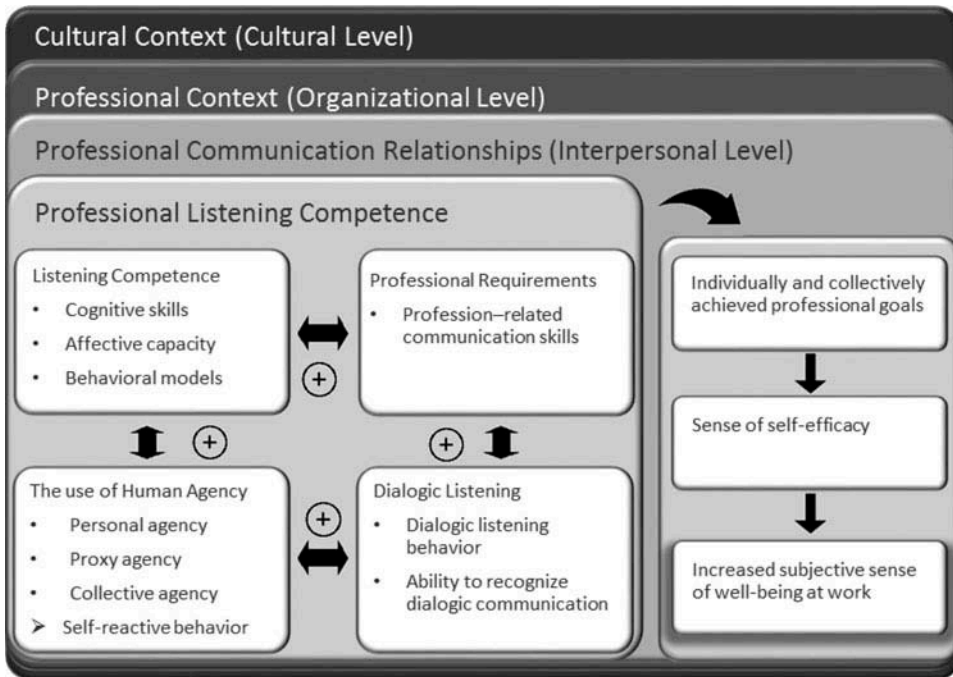


FIGURE 1 Professional listening competence promotes well-being at work.

that the contextual requirements, stemming from the profession that initiates the communication relationships, have to be taken into account.

The results moreover suggest that the participants seemed to recognize the need for dialogic listening in their professional communication, in particular if the situation appeared challenging. They aimed at a direct, honest, and genuinely dialogic listening relationship and expressed frustration on realizing that even when they tried to listen dialogically, others might not necessarily communicate dialogically. This indicates that dialogic listening should be included in the concept of professional listening competence. The dialogic features of listening authentically, creating a supportive communication climate, and letting the speaker communicate freely are an important dialogic part of an attorney's listening competence. This result corroborates the ideas of Stewart and Thomas (1995), who suggested that particularly in contexts that focus on solving problems dialogic listening is an important tool as the goal of it is to explore the content of the speaker in order to promote mutual understanding. Even though there was variation among the respondents of the current study regarding the types of listening situations and relationships that were considered challenging, these dialogic features seemed common to both respondent groups.

The results of the study suggest that there was both cultural and organizational variation in how the attorneys assessed their listening competence. This present result is consistent with the results of a previous study (Ala-Kortesmaa & Isotalus, 2014) which found that listening is a contextual process and particularly in legal context the features of it are related to the profession

and the national communication culture. For instance, in this current study the U.S.-American respondents emphasized the relationship aspect in the communication relationship whereas the Finns' self-perceptions were more influenced by the requirements of their profession: they approached themselves as listeners more from the practical, task-oriented standpoint. This implies that the professional requirements vary across cultures and organizations, so the elements of adequate professional listening competence have to be defined in relation to both the organizational and the professional task. In this study a general model was constructed that can then be modified to suit the culture-bound requirements.

The results also suggest that the use of human agency is important when constructing the concept of professional listening competence. No positive use of proxy agency was found in this study, but personal agency was actively applied in both groups. There seemed to be a demand for collective agency so that listening could be used to achieve professional objectives with less effort. All features of human agency proved applicable for improving listening. Thus human agency should be included in the components of professional listening competence. Results referring to this have not been presented by other researchers, so this result is particularly encouraging when the relation between professional listening competence and subjective well-being at work is examined.

This study indicates a conclusion that the components of professional listening competence, i.e. listening competence, professional requirements, dialogic listening, and human agency, enable the examination of it from cognitive, affective, behavioral, professional, interactional, and personal perspectives. These components work in interaction and should be included when exploring situational objectives for professional listening competence. The interpersonal, organizational, and cultural levels of communication also affect the concept of professional listening competence.

The results also suggest that professional listening competence promotes a subjective sense of well-being at work. The attorneys seemed to rate their professional listening competence higher if they performed well in professional listening situations. When their listening competence assisted them in achieving their professional goals either individually or collectively, their sense of self-efficacy seemed to increase. This, in turn, may be related to a stronger sense of well-being at work, because the results of earlier research suggest a link between communication and job satisfaction in other professional communication contexts (Blegen, 1993) and that situationally appropriate communication styles contribute to job satisfaction (Van Ess Coeling & Cukr, 2000).

In general, a feeling of low self-efficacy caused by failure in an attorney's own personal agency seemed to cause most frustration regarding professional communication competence among the participants of the current study. In turn, a failure in collective agency, such as when not all parties in court seemed to listen in such a way that a common goal could be achieved, seemed to cause less negative feelings. This may be because the opportunities to influence the situation through intentionality and self-reactive behavior are the slimmest in group communication situations. Thus the need to experience self-efficacy is the smallest. Therefore, even though the experienced level of self-efficacy is low, the situations are not considered particularly unsuccessful from the perspective of professional listening competency, and they do not have a major impact on experienced well-being at work.

There seems, however, to be some cultural variation even in individualistic cultures regarding communication that contributes to job satisfaction. For instance, the listening situations in which participants experienced the greatest amounts of stress varied, but the stress was triggered

by the same reason: attorneys were not able to steer the interaction toward the professional goal using their self-regulation, even though in a professional context, most interaction is goal-directed. Thus, the organizational (for Finns) and interpersonal (for U.S.-Americans) influences that formed the network for attorneys' personal agency did not respond as anticipated when they had constructed the forethought using their personal agency. This caused their psychological orientation to clash with the social reality, in which the allegedly dialogical listening situation occurred because participants reflected their own capabilities as listeners and acknowledged that they were unable to listen as efficiently as they would have wished. This comparison with professional goals seemed to have a lowering effect on attorneys' sense of self-efficacy as they had very few opportunities to persevere with their personal agency when faced with challenging listening situations. This, in turn, may have a negative impact on their subjective well-being at work because individuals often look to work for personal development. If they feel that they do not have an active role in promoting their work success through listening, they may not find the work itself as fulfilling and enjoyable as they otherwise might. This finding is inversely supported by Bandura's (1994) suggestion that good confidence in their own capabilities enables people to approach difficult situations as challenges, thereby imparting a sense of coping that directly enhances the sense of well-being.

While this study makes an important contribution to listening research and professional communication, there are limitations that should be addressed in future research. First, the gender distribution of the U.S.-American participant sample may have influenced how the client-professional relationship aspect was emphasized in their answers. However, the Finnish data from the female participants were examined, and the results suggested that the effect of the gender bias may not be very strong. Also, in earlier studies on legal communication (Ala-Kortesmaa & Isotalus, 2011; Ala-Kortesmaa et al., 2011), gender has not seemed to affect the results. Second, it is possible that people coming from different cultural backgrounds respond differently to open-ended questions. The effect of this was examined by comparing the responses of the two groups, and differences that were found in the ways the respondents had answered or lengths of the answers were relatively minor. Third, the data of the study represent the current perceptions of attorneys regarding their listening competence. Thus, the results are only valid in the legal context. Learning more about whether the results would hold over time and with different populations would necessitate a longitudinal study including other occupational and cultural groups.

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## APPENDIX 1

## Original Question Set

1. If you think about listening in general, what does it mean?
2. What kind of a person makes a good listener?
3. What kind of a listener do you consider yourself to be and why?
4. How important is listening in your work? In what kind of situations is it most important?
5. What do you focus on when you listen at work?
6. When listening at work, how can you influence the communication situation with your own listening?
7. What kinds of strategies do you use to be able to listen in the best possible way?

+ Demographic data (gender, age)

## Questions added to the original question set after focused coding

1. What kind of listening situations are most challenging in your work? Why? Have you noticed that your own listening was inadequate in these situations? Please give a general example of a real-life situation.
2. How did the challenging listening situations make you feel about your work and listening skills?
3. In what kind of a situation have you felt that listening is easy and that you have succeeded in listening? Please give a general example of a real-life situation.
4. How did the successful listening situations make you feel about your work and listening skills?

## APPENDIX 2

An illustration of the grounded theory coding of the data of the study.

Quotation 1. (Data for RQ1. How do attorneys evaluate their own listening competence and does dialogic listening form part of it?)

Time restricts listening at work and requires me to hold the reins. Time constraints call for good scheduling and efficient questioning skills. It is important for me to ensure mutual understanding. (F27)

<i>Coding types</i>	<i>Observations emerging from the data</i>
<b>Open coding</b>	Strong sense of professional task, dialogic perspective
<b>Focused coding/Category development</b>	Skills required in a specific professional context
<b>Axial coding/Thematic coding</b>	Positive approach to personal and general professional listening competence
<b>Selective coding /Theory development</b>	Task-based listening objectives → successful application of professional listening competence → positive self-perception of being a good listener

## Quotation 2. (Data for RQ1)

The most difficult listening situations involve persons who talk in circles and provide answers that are not truly responses. Then it is tedious to reframe questions in an attempt to obtain the information needed. (A59)

<i>Coding types</i>	<i>Observations emerging from the data</i>
<b>Open coding</b>	Things triggering the need for a more dialogic approach to listening
<b>Focused coding/Category development</b>	Evasive communication behavior diminishes dialogic listening
<b>Axial coding/Thematic coding</b>	Lack of a shared attempt for dialogic listening causes frustration and makes listening situations challenging
<b>Selective coding/Theory development</b>	Increased effort to engage a dialogic perspective → more open disclosure of information → profession-based attempt to listen dialogically

## Quotation 3. (Data for RQ2. How do attorneys use human agency and self-efficacy in challenging listening situations?)

Sometimes I feel surrounded by people whose minds work faster than mine, so if I need extra time to listen or a clarification of a point, I feel like my ultimate input may not be as valued. This can result in feeling nervous and missing the point of what is said. (A45)

<i>Coding types</i>	<i>Observations emerging from the data</i>
<b>Open coding</b>	Recognition of limits that hinder one's listening
<b>Focused coding/Category development</b>	Self-reflectiveness
<b>Axial coding/Thematic coding</b>	Unconscious use of personal agency
<b>Selective coding/Theory development</b>	The engagement of human agency and self-efficacy → intentional or unintentional → increased coping with the challenging listening situation

## Quotation 4. (Data for RQ3. How does the listening competence of attorneys promote their subjective sense of well-being in challenging listening situations?)

If I tell an assistant "we need to do x" and "y" is done, that's frustrating. I need to re-think how to give instructions in an effective, productive way that is not perceived as criticism. Maybe I didn't listen well enough to notice why my orders were misunderstood. (A31)



<i>Coding types</i>	<i>Observations emerging from the data</i>
<b>Open coding</b>	Frustration, lack of listening
<b>Focused coding/Category development</b>	Self-reflectiveness, features of a competent listener
<b>Axial coding/Thematic coding</b>	Awareness of one's own listening and communication behavior can lead to improvement of one's professional listening competence
<b>Selective coding/Theory development</b>	Good professional listening competence → active use of self-efficacy → lowered frustration levels → increased subjective sense of well-being at work

## Work in Progress

# Dimensions of professional listening competence in the legal context

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**ABSTRACT** *When examining listening competence researchers have been interested primarily in the listening that takes place in personal relationships. This qualitative study (N = 113), focusing on courtroom communication and drawing on social cognitive theory (SCT), approaches listening from both theoretical and practical perspectives by examining the dimensions of professional listening competence, analyzing it from a taxonomic perspective, and examining the manner in which personal agency is used when applying professional listening competence. In addition, the role of professional listening competence in promoting well-being at work is discussed. The findings suggest that the emphasis placed on the dimensions of listening competence differs depending on whether general or professional listening competence is being examined. In the latter, the contextual dimension forms a strong basis that the other dimensions build on, whereas for general listening competence all dimensions are equally important. The agentic perspective that attorneys apply to listening functions on all taxonomic levels of listening, indicating that there is a profession-based requirement for active, self-regulated listening. The findings also indicate that attorneys' use of personal agency and the self-regulatory mechanisms of listening lead to an elevated sense of self-efficacy, which increases their subjective sense of well-being at work.*

In organizational contexts, people often knowingly participate in communication situations with a specific goal in mind. As a process in which meanings are created and shared, listening plays a crucial role in this interaction (Wolvin, 2010). Because efficient listening forms the basis for successful communication, communication situations in professional settings require a highly developed listening competence.

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Depending on the situation, listening can be framed in various ways to serve particular relational purposes (Pecchioni & Halone, 2000). Decisions related to the framing of listening reflect listeners' professional ability and aptitude in using competent communication to achieve their professional objectives (McCroskey, 1982).

The connection between professional success and a good communication competence has encouraged researchers to examine communication competence and construct definitions for the communication competence required in professional settings (Spitzberg & Cupach, 1989; Rubin, 1990; Kostianen, 2003). However, the response of listening research to this challenge has not been as intense. Some listening competence studies have been conducted in professional contexts (Ala-Kortesmaa, 2013; Welch & Mickelson, 2013), but research has focused predominantly on a general definition of listening competence (Bodie *et al.*, 2012).

People's perceptions and understanding about their personal experiences in various contexts may be difficult to quantify, yet listening researchers must also assess and evaluate this part of human communication in order to develop an understanding about listening. In this research, qualitative research is brought into a legal context. The qualitative approach offers means to examine the structure of listening competence as well as the ways it is used to promote positive listening experiences and thus increase the subjective sense of well-being at work. This approach to the research topic also reaches beyond numbers and explores context and motivation of listening competence. Even though qualitative research is relatively new to listening research, it makes sense to use it when the goal is to assess subtle information and enhance a knowledge base, because even legal professionals themselves use qualitative methods such as interviewing, observing, and evaluating when they listen to and interact with clients and colleagues.

This qualitative study, drawing on Bandura's (1991) social cognitive theory (SCT) of self-regulation, is a response to the lack of research and attempts to define the term *professional listening competence* and also to investigate its dimensions, taxonomic levels, and possible connections to well-being at work. The use of personal agency (Bandura, 1991) is also examined. Possible cultural differences are addressed. In a legal context, the context of this study, the guidelines for communication are strict and often require communication to be formal, hierarchical, and asymmetrical (Välikoski, 2004). Professionally selective communication strategies, such as methods applied to hearings, cross-examination, and final statements are used in formal situations, but more informal strategies are needed in interaction with clients.

Traditionally, listening has been approached from the perspective of altercentrism. In other words, scrutiny has concentrated on how the listening skills of one person can improve the well-being of another. It has been suggested that there is a link between proper communication competence and job satisfaction (Sypher *et al.*, 1989; Lobdell *et al.*, 1993), but there is very little evidence that professionals actively use their listening competence to improve their own well-being at work. In order to offer a new perspective in this research tradition, this study analyzes attorneys' self-perceptions regarding listening and their personal listening competence.

### Professional listening competence

In a professional context, efficient engagement in a wide range of communication situations has been important. This has interested researchers and led to professional communication becoming the focus of research (Drew & Heritage, 1992; Gallagher *et al.*, 2000). This study defines the term *professional communication* similarly to the definition proposed by Gerlander and Isotalus (2010) and uses it to refer to the professional communication relationship between the interlocutors. Because of the dialogic nature of communication, professionalism is constructed through the task accomplished in the interaction (Gerlander & Isotalus, 2010).

When professional communication is discussed, a connection between communication goals and listening must be noted (Wolvin, 2010). The communication goals guide listening, and in professional contexts they often stem from professional tasks. Professional expertise should be demonstrated in communication in order for a person to be considered a professional, and for this communication competence is indispensable. This is particularly important in a legal context, because listening allows attorneys to reach various professional goals. In this study, the term *communication competence* refers to appropriate and efficient communication behavior that includes the evaluation of the communication outcomes and takes the situational norms, conventions, and requirements designated by the profession into account (Dannels, 2001; Garside, 2002). Thus, the term *professional communication competence* is used in this study. Adequate professional communication competence has been reported to assist in reaching professional goals and to increase the subjective sense of well-being at work (Wright, 2011).

In earlier research, the role of listening in professional communication competence has been considered quite marginal (Bodie, 2011), but profession-specific studies (Ala-Kortesmaa *et al.*, 2011; Ala-Kortesmaa & Isotalus, 2012) claim that legal professionals understand listening to be a part of their professional communication competence. Most listening research has tried to establish theories to conceptualize listening (Bodie, 2009). The focus has been either on classifying conceptualizations by consulting the scholarly literature (Haas & Arnold, 1995) or on determining listening conceptualizations using inductive research methods (Coakley *et al.*, 1996). It has been noted that these concepts vary depending on the participants as well as the situation in which the interaction takes place (Halone *et al.*, 1998; Imhof & Janusik, 2006).

When listening is conceptualized, it should not be seen merely as a subcategory of communication competence, but also as a separate, complex concept. Traditionally, *listening competence* has been considered to consist of a combination of appropriate situational and relational cognitive, affective, and behavioral choices (Wolvin & Coakley, 1994), but it can also be viewed as a five-dimensional model (Wolvin & Cohen, 2012) covering different aspects of listening. According to Halone *et al.* (1998), the original dimensions are cognitive (how I understand listening), affective (how I value listening), and behavioral (what I do when I listen). Shotter (2009) introduced a contextual (where I listen) dimension and Beard (2009) suggested that an ethical dimension (why I should listen) should be noted as well when examining the

characteristics of a competent listener. In this study, all five dimensions of listening competence are examined, because the professional tasks of attorneys require them to use both the basic dimensions of listening and the contextual and ethical dimensions in choosing what to listen to or whether to listen at all. Thus, instead of focusing on the general listening competence, the term used in this study is *professional listening competence*. In order to examine the professional communication competence of attorneys, the following research question was posed:

RQ1. What dimensions of the listening competence model does the professional listening competence of attorneys include?

Given that a professional situation often requires a critical, constructive dialogue between the dimensions of attorneys' listening competence and their self-reflection of a professional goal, the decision to apply qualitative research methods in this research was natural as qualitative research is useful in determining and explaining patterns of behavior and relationships.

#### *Listening taxonomy and professional listening competence*

In professional contexts, certain principles guide the nature of communication. In a legal context, the interaction in a trial is often hierarchical and asymmetrical (Välikoski, 2004) because communication is used both to ensure that justice is done and further to ensure that justice is seen to be done. Both in the United States and in Finland, the part of professional communication taking place in court is formal and strictly regulated. Although the legal systems in these countries differ, the same principles of courtroom communication apply in both countries. Thus, the requirements for attorneys' professional communication and listening stem from the procedures and rules that guide the proceedings in court. The common law legal system in the United States is based on case law, meaning that the law is developed by legal precedents and that the role of juries is important (Duhaime, 2014). In Finland, the legal system is based on continental law, meaning that core principles are codified into a system that can be referred to, that this serves as the primary source of law, and that in the majority of cases the verdict is pronounced by a judge (Lydorf, 2011). Thus, in both countries the formal courtroom communication is guided by a procedural code. However, attorneys also work in informal settings when communicating with clients, and thus, dialogical skills emphasizing the relational aspect of listening are also needed.

For a more thorough understanding of the nature of professional listening, it is necessary to examine what attorneys' listening focuses on and what they include in it. For this purpose, a conceptual listening taxonomy of listening types developed by Wolvin and Coakley (1993) is used. According to this, listening operates on three different levels.

On the base level, a listener focuses on what is essential for the listening goal (Wolvin & Coakley, 1993). In a legal context, an attorney would determine while listening what verbal and non-verbal information should be included to fulfill the professional task. The comprehensive listening happens on this level, and the core ideas of a message are the focus of the listener.

On the higher order level, the listener engages different perspectives in listening (Wolvin & Coakley, 1993). In the legal context, critical listening is most commonly applied because it is necessary to evaluate the content of the message in order to determine both the credibility of the speaker and the logic and value of the message. However, therapeutic listening that includes emotional understanding may also be used to alleviate a client's or witness' anxiety. In the United States, therapeutic listening may be more useful than in Finland, because juries are more widely used in the common law system. The members of a jury are typically laypersons, so it may be more effective to share information that has been received by listening therapeutically.

On the level of attending behaviors listeners indicate by their verbal and non-verbal behavior that they are engaged in listening (Wolvin & Coakley, 1993). In court these behaviors include making appropriate comments, asking questions, maintaining eye contact, and using appropriate facial expressions (Ala-Kortesmaa & Isotalus, 2012). Different levels can be used in different organizational situations (Wolvin & Coakley, 1993). In this study, these taxonomic levels of listening are examined to obtain a more comprehensive view of attorneys' professional listening competence. Therefore, the following research question was posed:

RQ2. What levels of conceptual listening taxonomy do attorneys operate on when applying professional listening competence to their professional communication?

Examining professional listening from the perspective of the listening taxonomy by using qualitative research methods yields more information about this complex professional behavior and may identify areas that need additional research. Knowledge about the taxonomic levels that professional listening operates on can help a listener to focus on the areas in their competence that practice would most enhance.

### **Listener's self-regulation and well-being at work**

Professional listening is a process occurring in a professional communication relationship. Thus, relational listening directs people to frame their listening. This requires them to be capable of regulating their listening behavior in order to achieve professional goals. According to Russell (2008), achieving professional objectives increases the subjective sense of well-being at work. The term *subjective well-being* can be defined as people's personal views of their life experiences (Russell, 2008). In this study, a context-specific concept of *well-being at work* is used to refer to people's perceptions of their existence in a work context (cf. Russell, 2008). It consists of emotional well-being and positive functioning that includes psychological and social well-being (Keyes, 1998; Keyes & Magyar-Moe, 2003). In this study, the concept of well-being at work is approached from the perspective of listening because Pekkola *et al.* (2010) discovered that face-to-face communication can increase subjective well-being at work, and listening is an essential element in this type of interaction. In the same study it was noted that communication was particularly important in promoting well-being in situations in which trust, encouragement, and participation were necessary for the accomplishment of a professional task. When

attorneys manage relational listening situations well with professional listening competence, it may lead to a higher frequency of positive emotions in professional communication relations.

Likewise, self-regulation can promote well-being at work. This article draws on Bandura's (1991) social cognitive theory (SCT) of self-regulation. The higher the listener's level of engagement in processing the message, the more self-regulation is required (Wolvin, 2010). In a professional context attorneys' engagement in both professional relationships and the creation and exchange of messages is expected to be high due to the requirements of their professional task. Thus the management of listening relationships requires a great deal of self-regulation to lead to positive listening experiences and to promote well-being at work.

The SCT states that the self-regulative mechanisms operate through three functions: self-monitoring, judgment of one's behavior in relation to situational requirements and personal standards, and affective self-reaction (Bandura, 1991). Listeners need to be the agents of their own actions and intentionally make things happen to perform these actions. In addition to intentionality, other core features of personal agency are forethought, self-reactiveness, and self-reflectiveness (Bandura, 2001). When people adopt an agentic perspective, they actively guide their own self-development, adaptation, and self-renewal (Bandura, 2001). In turn, this may lead to a higher subjective sense of well-being at work. Even though Bandura's concept of human agency (2001) includes the level of personal agency as well as the levels of proxy agency and collective agency, this study focuses on the level of personal agency because the self-regulation mechanisms of attorneys are examined. Active self-regulation with an agentic perspective is important in organizational settings because there is great deal of variation in the ways people interpret the rule structures of social systems (Bandura, 2001). However, there is a relatively limited margin regarding the interpretation of formal codes in a legal context. Thus, successful self-regulation may play an even more crucial role in this context.

By incorporating an agentic perspective in their professional listening, attorneys can ensure the progress of communication, the optimal maintenance of the communication relationship, and their listening-related well-being. Self-regulation is connected with the concept of *self-efficacy*, which refers to a person's confidence in his or her abilities to achieve the goals set. It has a decisive impact on the application of personal agency because it operates through thought, affect, motivation, and action (Bandura, 1991). By examining with qualitative research methods how attorneys engage personal agency to regulate relational listening, it is possible to develop a more comprehensive view of their listening-related well-being. Thus the following research question was posed:

RQ3. How do attorneys use personal agency as a part of their professional listening competence to promote positive professional listening experiences?

Self-regulated listening strengthens the sense of personal agency and self-efficacy, which can lead to a rewarding and empowering relational listening experience. In turn, this can lead to an enhanced subjective sense of well-being at work.

## Method

In order to offer an alternative approach to the research of listening in professional contexts, the study approached listening competence and its possible link to well-being at work from an introspective perspective. Qualitative research often seeks to understand the topic from inside out and focuses on the behavior of a limited sample group to better understand the universal (Rich & Ginsburg, 1999). Therefore, a qualitative approach matched the purposes of the study perfectly as it afforded an opportunity to examine how awareness of one's own listening competence can improve legal practitioners' well-being at work, because perceptions of one's own listening cannot be observed from the 'outside' by conventional objective means. This approach is similar to the phenomenological first-person way of acquiring information about experiences (Dennett, 1987).

A total of 76 American attorneys (A) and 27 Finnish attorneys (F) participated in this qualitative study. The American sample included 69 female and seven male participants, and the Finnish sample included 14 females and 13 males. Attorneys were chosen to represent the legal context as a professional group because they interact with and listen to the widest variety of people but do not play the most dominant role in managing interaction in the court proceedings. Their listening competence includes features of listening to all hierarchical levels because their communication takes place on vertical and horizontal levels. Finnish and American cultures are Western low-context (cf. Gudykunst, 2001) cultures and were chosen for this study to avoid the common Eastern–Western culture comparison between two different types of communication cultures. Even though they are both low-context cultures and expect the speaker to express himself or herself very explicitly (Hall, 1989), the differences in the national communication cultures and in the legal systems of the United States and Finland make the examination of professional listening competence interesting and meaningful.

Data were gathered using a questionnaire (ix 1) that included 10 open-ended questions and elicited attorneys' perceptions of listening in their profession, the things they focused on when listening, the methods they used to influence the communication situation and to listen more effectively, and the strategies they applied in challenging listening situations. The participants were instructed to keep their most common professional listening situations in mind when answering to ensure that the answers were strictly related to their work context. No additional framing of the questions was offered, because it was hoped that the participants would represent various fields of law in order to yield as comprehensive a view as possible of the topics introduced in the research questions. Open-ended questions were chosen in order to allow free disclosure of information. The length of the answers was not restricted. Data for the Finnish group were gathered during further education seminars organized by the Ministry of Justice in Finland, and data for the American group were gathered using an online questionnaire on the SurveyMonkey website. The American participants received the information about the questionnaire through bar associations that sent an informative email about it to their members. Participation was completely voluntary, and the participants were deemed to



provide their consent by answering the questions. The data were analyzed as a collective, qualitative data set.

During data analysis answers to research questions one and two were evaluated using a theory-based perspective, and the use of the dimensions of listening competence and taxonomic levels of listening was examined. Answers to research question three were evaluated using a data-based perspective, and the self-regulation mechanisms that attorneys use when applying the dimensions of professional listening competence and taxonomic levels of listening to their professional communication were examined.

When the data were approached from a theory-based perspective, they were analyzed with a clear theoretical framework. Each participant response was compared to the particular theoretical framework of listening to see if the structures of listening differed in the legal context from the results of earlier studies. However, it was not assumed that the data would necessarily cover all parts of the theoretical question analyzed.

When the data were evaluated using the data-based perspective, some grounded theory methods were applied in the qualitative content analysis of the data. Given the inductive nature of the method, all means of coding intertwined, but open coding was used initially (cf. Strauss & Corbin, 1990). At this stage, the raw qualitative data were focused and labeled. Then the coding was re-examined and further focused when needed. It showed that certain answers offered information about the same phenomena, so concepts started to form categories. As these categories became more established, questions (Appendix) were added to both question sets in order to gather more information about the categories (cf. Glaser, 1965). The data gathered by the modified question set went through the stages of open and focused coding again. A modified form of axial coding was used to identify possible interrelationships among categories and subcategories (Glaser & Strauss, 1967). This was done by focusing on the conditions related to listening, whether they were contextual, structural, or causal, as well as on the consequences of the interaction related to listening. At this stage a preliminary theoretical framework began to take shape giving an indication of the complexity of the professional listening competence. Finally, selective coding was used to form core categories by unifying concepts and subcategories (cf. Strauss & Corbin, 1990). At this last stage, the theoretical model related to listening competence was confirmed. Because the conceptual development must be as transparent as possible (cf. Strauss & Corbin, 1990), memos about theoretical connections were created during coding.

## Results

### *Dimensions of professional listening competence*

The first research question examined the five dimensions of listening competence taking a theory-based perspective. During analysis, five core categories matching the dimensions formed in both cultural groups. Thus the listening competence of the attorneys encompasses these dimensions. The cognitive dimension was one

of the two most frequently applied dimensions. The participants understood that listening focused both on the dimension of the content and the dimension of the relationship. Their definitions of it were very descriptive:

Listening means focusing on the verbal message you're receiving by paying attention to the words, context, tone, and accompanying body language. (A30)

Listening means gaining an understanding of what the other person is actually communicating, rather than simply taking their words at face value. (A50)

Listening is receiving messages and information, combining them and structuring them. It is also interaction to maintain the relationship, and express concern. (F27)

As the examples indicate, the attorneys' cognitive approach to what their listening should cover seems to be closely related to their professional objectives.

Another category formed after the selective coding was used to examine the established subcategories of empathetic and affectionate listening. It referred to the affective dimension of listening competency. Comments indicating its existence were mentioned often, particularly when attorneys discussed interactions with their clients and colleagues:

Listening is very important. When you are helping clients face death and disability, being a good listener to verbal and nonverbal communication is paramount. (A32)

Listening is easy if another lawyer uses the 'same language' and clear arguments. (F16)

Sometimes younger lawyers may come to me when they have trouble communicating with their supervisor. I find it easy in these situations to listen supportively. (A45)

Both American and Finnish attorneys valued listening very highly. The comments indicate that listening was perceived as a crucial professional skill in a legal context that facilitated achieving the professional objectives when it was considered easy and well-functioning.

A third core category indicating the existence of the behavioral dimension emerged in the analysis when subcategories of overt and covert behavioral choices were combined. Attorneys from both groups had several strategies that they actively applied in their listening:

My primary method for listening in the best possible way is to eliminate any distractions. Multi-tasking is out, at least where my listening is concerned. (A25)

I am aware of my body language and my own word choice. I try to be inviting, receptive, and I either summarize or rephrase what I've heard so they know that I'm actively listening which tells them I am interested. (A7)

I make eye contact and ask questions, so as to get more detailed information. I speak calmly and in a structured manner so that others would do the same. I make it clear to myself what kind of information I am after, and I block the irrelevant information. If possible, I make sure that the conversation takes place without distractions. (F18)

The examples confirm the existence of the behavioral dimension and indicate that verbal, non-verbal, and interactive elements are included in this dimension (cf. Wolvin & Cohen, 2012). The attorneys plan their listening behavior in advance to guarantee the best possible listening results.

The contextual dimension of listening competence which is the fourth category, formed after the axial coding of the data had been performed. At this point it became clear that comments referring to the contextual dimension were made as often as were comments confirming the existence of the cognitive dimension. The legal context was a factor that affected both how and why attorneys engaged listening during the communication situation:

I listen to clients explaining their issues, lawyers with whom I am negotiating or against whom I am litigating, judges co-counseling on cases or giving instructions . . . . (A58)

First I negotiate with and listen to my client, then I listen to the opposing party, and then finally I listen in court. (F11)

These examples summarize the variations in listening relationships that are all related to the same listening context. The legal context and the various communication relationships affect the listening of attorneys in a very comprehensive way, because they include the contextual dimension which guides the self-regulation that they apply to their listening.

The category that indicated the application of the ethical dimension of listening mainly consisted of comments connected to different motivational factors that attorneys used to explain why they listened. The attorneys reported that they often approached the listening situation with their own and their clients' best interests in mind:

If you listen to the client then when something comes up you have knowledge to refute other stories coming at you. Listening can also make the client feel that you are really concerned and connected with the case. (A17)

It is motivating to listen when a witness wants to share valuable information. (F19)

People want to vent. After someone listens to them, it's easy to get to the point. (F26)

When attorneys listen to others their motivation to do so stems from professional and personal goals. Even though the supportive function of listening can be understood as an ethical choice, it may also be used to achieve professional objectives, because self-expression is usually more coherent when people feel that someone is listening to them (cf. Ala-Kortesmaa & Isotalus, 2012). The more the professional objectives are

reached, the higher the job satisfaction, and the greater the subjective sense of well-being at work (cf. Russell, 2008; Pekkola *et al.*, 2010). Occasionally there was an inter-relationship among the categories forming the ethical dimension and the affective dimension of listening competency when the data did not clearly distinguish which dimension the comment derived from despite various stages of coding.

*Professional listening competence and listening taxonomy*

The data in answer to the second research question were examined using the three levels of listening taxonomy. The analysis focused on the levels of listening that attorneys used based on their professional listening competence during their professional communication. The results suggest that the American participants focused primarily on accomplishing the professional task:

I'm focused primarily on collecting the information necessary to make a decision. (A3)

I am focusing on what the other person is saying and how it is being said – the person's tone, inflection, body language, if I can see it. I am also focusing on how what is being said fits in with what I have previously heard. (A57)

As the examples indicate, the listeners' total focus was on gathering relevant information. This behavior indicated that they were performing on the most basic level of the listening taxonomy.

Further analysis of the data suggested that the American respondents were very critical towards the message:

How credible is this person's narration? If I think there is lying or inaccuracies, is it intentional or is it due to lack of knowledge, emotional upset or mental illness? (A25)

I need to listen to my clients in order to learn what they want or need; I need to listen to opposing parties to determine if we have any points of agreement or, alternatively, whether there are any weak points that I can attack. (A37)

The manner in which the evaluation of the message and the focus of the evaluation changed depending on who is speaking is emphasized in these examples. This listening focus is commonly used at the higher order level of the listening taxonomy. The American attorneys used this level of listening to decide which persuasive appeals to accept or reject.

Further examination of the American group data led back to the themes that formed the categories of the behavioral, contextual, and ethical listening dimensions in the responses to the first research question. When the categories of these dimensions are combined, it is clear that the level of listening engagement is high:

When listening in depositions I need to fully understand what the deponent is trying to communicate so that I can ask appropriate follow-up questions.

My job is to focus on listening, speak little, and draw out as much information as possible. (A38)

In the example, the listener chooses behaviors that indicate that the listening focus is on the level of attending behaviors. The professional context has an effect on listening behaviors. The perceived usefulness of the attending behaviors level is related to the professional task.

Although the use of all taxonomic levels was observed in the answers of Finnish attorneys as well, the main listening focus was on the base level of the listening taxonomy. Their responses illustrated a focus on fact-related listening:

Facts, chronology, in a conflict of interests the views of the opposing party. (F8)

The role of listening is emphasized at trials when oral evidence is received. You have to try to hear carefully what the witness is saying. (F1)

In general, the Finnish attorneys focused on listening for purposes of comprehension. Professional objectives guided listening and enabled them to acquire relevant information.

A modified form of axial coding indicated that the data included traces of the higher order taxonomic level when the Finnish attorneys strove to evaluate the information presented:

A client doesn't always know when he is disclosing relevant information, so I have to filter it out. (F17)

I have to trace the legally relevant information and to know a client and the expectations and needs that he may communicate nonverbally or between the lines. (F4)

The examples demonstrate that there are interrelationships among the categories on the basic level and the higher order level of the listening taxonomy; relevant information must be elicited by listening, but this cannot be done without the simultaneous evaluation of the information heard. The Finnish attorneys did not feel the need to evaluate the credibility of the message as much as their American colleagues. Instead, they attempted to assist clients in understanding what kind of information was relevant. The speaker's arguments and the structure of the message were not always coherent, so the factual content had to be separated from the persuasive content. On the attending behaviors level, the Finnish attorneys' responses were similar to those of the American attorneys, and there were no cultural differences between the groups.

### *Self-regulation and personal agency in listening*

The third research question was used to examine the manner in which the attorneys used their personal agency as a part of their professional listening competence to promote positive professional listening experiences and thus, well-being at work.

The analysis was conducted using a data-based perspective. In general, the analysis revealed that the use of personal agency was expressed through the use of self-regulatory mechanisms in both cultural groups of the study. The coding revealed that one type of such mechanisms was monitoring and controlling one's listening behavior:

I make it clear that the person has my full attention by getting rid of distractions. I also make eye contact and affirming noises, ask questions and listen to the answers. (A16)

I take lots of notes, so I can easily check later what we talked about. (F13)

I get to know the material in advance so I can predict the important matters and make specifying questions about them. (F11)

The difference between the two cultural groups regarding the use of listening-related personal agency was that only the Finnish attorneys repeatedly articulated the need to be prepared in advance for the listening situation, which is illustrated in the last example above. This type of anticipatory self-guidance influenced their listening behaviors in the actual listening situation and enabled an elevated sense of well-being when listening was successful.

The analysis also suggested that the listening of attorneys in both groups was intentional and engaged the self-regulative strategies of forethought and self-reflectiveness:

I try to sleep well the night before, I'm open to the issue and don't create pre-suppositions, I am ready to change my attitudes; if possible, I get to know the topic and facts well in advance, but I react to the discrepancies from the previous information and new things when I listen to people; in addition to words I listen to how they are said, who is saying, and I think of why and what the information means. I pay attention to the person sending the message as a whole. (F27)

Asking open-ended questions can elicit more information than pointed questions – ask the question, listen, show understanding with body language and reflective speech. (A53)

The responses show that the mechanism that attorneys apply is the assessment of their own behavior in relation to their personal standards and situational requirements. During the analysis, subcategories that suggested that the attorneys' listening included being the agent of their own listening were identified. This can be seen in the examples because the attorneys took a proactive stance that included self-motivators in order to achieve professional objectives by adopting an agentic perspective on listening. By adapting their listening to meet the professional objectives, attorneys are likely to produce rewarding outcomes that promote positive listening experiences and well-being at work as well as enable the self-development of their listening competence.

In addition, the results of the analysis indicate that only the American participant group applied the third mechanism of self-regulation, affective self-reaction, to their listening:

By listening respectfully I acknowledge the worth of the speaker and that, in turn, tends to calm that person, make them more amenable to my point of view. (A37)

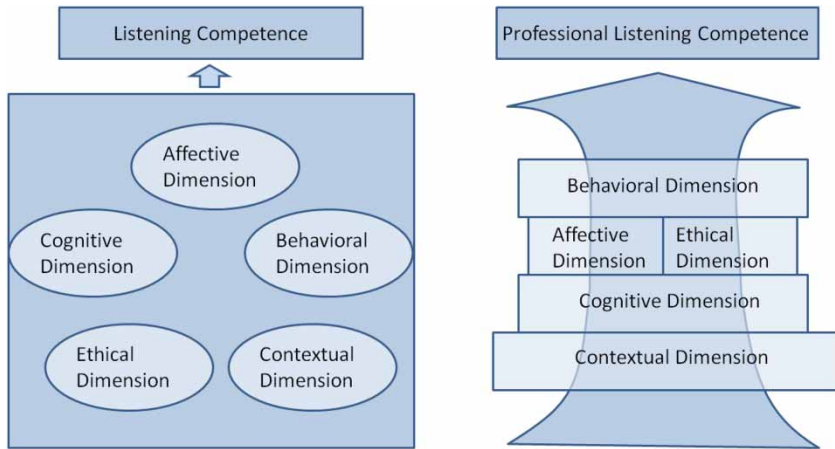
When attorneys listen, they use self-regulation that leads to positive results and the reinforcement of the feeling of successful self-efficacy. That, in turn, is connected to a greater sense of well-being (cf. Earley, 1994), which explains why affective self-reaction serves as an incentive in the attorneys' professional listening situations

## Discussion

The purpose of this study was to adopt a data-based approach to contribute to the theoretical understanding of listening competence in the professional context of attorneys and also to examine the self-reactive mechanisms that attorneys apply when they use their personal agency as a part of their professional listening competence. The perspective of well-being at work was additionally included in the examination of the results.

The major result of the study is that one of the dimensions of listening competence, the contextual dimension, is more important than other dimensions when professional listening competence is examined. This conclusion differs substantially from earlier studies (Halone *et al.*, 1998; Wolvin & Cohen, 2012) in which cognitive, affective, behavioral, conceptual, and ethical dimensions have all been considered to be equal parts of listening competence. However, in this study an emerging hierarchical model shows that the contextual dimension forms the foundation for the other dimensions when professional listening competence is analyzed.

The results of the study suggest that the professional listening context defines the cognitive dimension, or how listening is understood, because the listening context and the professional goal direct listening. The affective and ethical dimensions develop on the basis of these two dimensions, i.e. the contextual and the cognitive, and they seem to have less effect on the entirety than do the contextual and cognitive dimensions because the participants of the study reported that the work context provides clear guidelines on how listening is valued and why it takes place. Listening is one of the most important means to achieve the professional objective, so the attorneys do not need to ponder the value that listening has for their work. Thus, the affective dimension of listening is clear for them even though there may be personal biases regarding it. The ethical dimension of listening is also unambiguous: listening should be conducted in a manner that ensures that justice is done and is moreover seen to be done. There may be some variation in the effect of these two dimensions depending on the field of law, but in general, their role seems to be more marginal than the role of other dimensions in a legal context. The results of the study also suggest that the behavioral dimension, what people do when they listen, seems to develop on the basis of the other four dimensions. Because it is easy to observe, the behavioral dimension seems to have a notable impact on what is understood as professional listening competence, but the effect of the contextual dimension on this is as overpowering as its effect on other dimensions because it provides strict guidelines for



**Figure 1.** From traditional (Wolvin & Cohen, 2012) to professional listening competence

interaction. The objective-related framing of listening affects the relational and factual purposes, so the role of the contextual dimension should be taken into account in the professional listening relations of legal practitioners. The differences between the traditional description of listening competence (Wolvin & Cohen, 2012) and the hierarchical structure of professional listening competence are shown in Figure 1. The building of it was based on the qualitative data that emerged from the analysis process.

If listening competence in general is examined, the results of this study are similar to those of earlier studies (Wolvin & Cohen, 2012). People use different listening methods in different situations but the basic structures behind the methods seem to be the same. Since the participants of the study used all dimensions of their listening competence in their professional communication, their professional listening competence encompassed all areas of interaction and increased their chances of achieving their listening objectives. Because reaching goals is known to increase job satisfaction (Sypher *et al.*, 1989), the results of this study suggest that the listening competence of attorneys may promote their well-being at work.

According to the results, organizational communication cultures also have a major impact on the taxonomic levels of listening. The effect of the organizational communication culture on the base level is so powerful that it determines what kind of information attorneys seek when listening and guides their listening towards critical listening on the higher order level, even though there are cultural differences in what the critical attitude is aimed at. It can be assumed that the differences in adversarial and inquisitorial legal systems, i.e. common law versus civil law, greatly influence these levels of listening, even though the data gathering did not particularly focus on examining the procedural differences in interaction with clients. On the attending behaviors level, the results indicate that the organizational communication culture also seems to dictate the ways listening is expressed. This may mean that the professional role guides the manner in which attorneys use the higher order level and attending behaviors level when they listen. However, it can also be seen as an inhibiting factor, because the formal and hierarchical communication culture limits the



options that attorneys can choose from when they consider different listening perspectives and behaviors that express listening in the legal context.

Moreover, the results suggest that the variety of taxonomic levels that attorneys use when they listen also indicates that their professional listening competence achieves the objectives that they set for it. Cultural differences in the use of a higher taxonomic level of listening reveal how well attorneys have adapted to the effect of a national communication culture when setting these objectives. Arguably the differences may stem from different job descriptions depending on the field of law in which an attorney practices, but since one of the goals of the research was to form an overview of the various professional listening situations that attorneys address in their everyday communication, the respondents were advised not to focus on one particular listening situation but professional listening in general. Thus, it is possible to claim that different legal systems seem to call for different listening objectives. The Finnish attorneys' infocentric perspective on listening can be viewed as a feature of a Finnish professional communication culture, and the Americans' critical evaluation of the credibility of the message may reflect the manner in which Americans separate the social and informative uses of language due to the blended nature of these communication functions. This conclusion is similar to the findings of earlier studies that indicate that the national communication culture has a considerable impact on listening (Samovar & Porter, 1994; Wolvin & Coakley, 1996; Thomlinson, 1997).

The taxonomic results of the study demonstrate that the effect of the surrounding communication culture can be observed on a more comprehensive structural level than the base level, which focuses on the primary professional objectives. In addition, the differences in the attorneys' use of the higher taxonomic level of listening call attention to semantic differences in the word *listen*. In English, the words *listen* and *hear* are clearly different, so Americans may associate the word *listen* more closely with an activity requiring active participation and including more social elements than does the act of hearing. Finns, on the other hand, may associate listening more closely with the physical sense of hearing and gathering information than with social interaction because in Finnish both the words *kuunnella* (to listen) and *kuulla* (to hear) are formed from the same root.

The results of the study also suggest that the agentic perspective that attorneys apply to listening seems to pervade all taxonomic levels of listening, which indicates that there is a profession-based requirement for active, self-regulated listening. This approach articulated by the participants of this study viewing a listener as an active, self-empowered participant in an interaction, with an impact on his or her subjective sense of well-being, challenges the traditional approach to listening in which a listener has been viewed as an enabler of other people's well-being at work through his or her listening rather than as an enabler of his or her own higher sense of well-being (cf. Ha & Longnecker, 2010; Abe *et al.*, 2013). The results of this study related to the use of human agency and self-regulative mechanisms provide additional support for the observation that the existence and the use of the higher order taxonomic level may be of less significance when constructing professional listening competence in highly structured, formal professional contexts. This may be because the role assigned

to the professionals due to their professional objectives also controls and limits the self-regulation mechanisms available to them. The results of the study also indicate that all dimensions of professional listening competence must be considered when regulative mechanisms of intentionality, forethought, and self-reflectiveness were applied to listening, whereas the ethical dimension was only marginally included in the use of human agency. This is likely because the reasons for listening are dictated by the contextual dimension.

The lack of a self-regulation mechanism of affective self-reaction among Finnish participants may be explained by their use of the higher order level in listening taxonomy. When attorneys approach listening situations from a perspective focusing on sifting the facts from the irrelevant information, they do not always feel that it is necessary to use affective self-regulation methods. This observation is supported by earlier studies claiming that the listening approach of Finnish judges is often infocentric (cf. Wilkins, 2009; Ala-Kortesmaa & Isotalus, 2012) and this indicates that, although the surrounding professional communication culture may emphasize one aspect of listening, other aspects are not excluded because the professional objectives of attorneys are similar in both cultures. Thus, the results of the study are that listening to communication partners in a relationally competent manner instead of merely in an infocentric manner is also essential in a fact-focused organizational environment.

Despite the theoretical implications and the practical contributions that this study has contributed to listening research and professional communication, there are some limitations that should be addressed in future research. It is possible that people in different cultural contexts value open-ended questions differently and respond to them in different ways. The differences in the response methods (paper and pen questionnaire versus online questionnaire) may also have led to differences in the lengths of answers. However, the responses were thorough and well-considered in both groups, and the lengths of the responses did not vary significantly. It is also possible that the attorneys who chose not to participate were less reflective about their listening competence but responding had to be voluntary. Despite this, the results can be considered representative because they create a general understanding of professional listening competence.

In addition, the gender distribution in the American data may have had an effect on attitudes toward listening, but no difference was found in attitudes when the Finnish data given by the female participants were examined and compared to the data given by male participants. Furthermore, in earlier studies on legal communication (Ala-Kortesmaa & Isotalus, 2012; Ala-Kortesmaa *et al.*, 2011), gender has not significantly impacted the results. Therefore the data collected using these methods were considered comparable.

Differences in the legal systems between the United States and Finland may likewise have an impact on how listening is perceived among attorneys. However, the differences in the legal systems were not considered to hinder the interpretation of the data since the participants in both groups indicated that their professional communication competence seemed sufficient to meet the professional objectives. The overall conclusion of the study regarding the impact of the professional role on

listening behavior is not necessarily a surprising result. However, it is a highly desirable result because such results may be valuable, especially if the phenomenon has not previously been scientifically researched. A starting point has to be created when a new approach to a communicational phenomenon is taken. However, future research should explore the extent to which the findings would remain constant over time and with different populations.

## Disclosure statement

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## Appendix

### Original question set:

- (1) If you think about listening in general, what does it mean?
- (2) What kind of a person makes a good listener?
- (3) What kind of a listener do you consider yourself to be and why?
- (4) How important is listening in your work? In what kind of situations is it most important?
- (5) What do you focus on when you listen at work?
- (6) When listening at work, how can you influence the communication situation with your own listening?
- (7) What kinds of strategies do you use to be able to listen in the best possible way?

+ Demographic data (gender, age)

Questions added to the original question set after focused coding:

- (1) What kind of listening situations are most challenging in your work? Why? Have you noticed that your own listening was inadequate in these situations? Please give a general example of a real-life situation.
- (2) How did the challenging listening situations make you feel about your work and listening skills?
- (3) In what kind of a situation have you felt that listening is easy and that you have succeeded in listening? Please give a general example of a real-life situation.
- (4) How did the successful listening situations make you feel about your work and listening skills?