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**BREAKING AWAY FROM THE TIRANY OF THE FLUORESCENT TUBE
AND THE AIR CONDITIONER: IN SEARCH OF AN ACCOMMODATING
COURTS' ARCHITECTURE**

In praise of a reconsideration of our sensibilities to architecture:

"Buildings are not neutral containers; they shape the way we stand and move, the way we feel, the way time and space come to us. Often the building only repeats, or narrows, the forms and possibilities we already live in. But architecture can offer us new ways to uphold ourselves, to move and to be, and to criticise our current life by helping us feel how we might be different.

"The modern movement saw in this the opportunity to focus the energy of a new age. Their masterworks still amaze us with the power they impart. Yet, caught in its own restrictions and in the homogeneity of the modern economy, the modern movement could not keep its promise. More and more, it reproduced everywhere one diminished set of possibilities. Post-modernism (in architecture) wanted to build freer places, but what has often resulted is an affirmation of one Ironic meta-place.

"Modernism decreed that architecture would signify the uniform utopian life of a new age, and it continued industrial society's march toward rationalised homogeneity. Mass consumption and the dominance of exchange-value over use-value render it more efficient to make locations similar to one another, reducing their differences to surface decoration". (p.146)

From David Kolb's second book *POSTMODERN SOPHISTICATIONS, Philosophy, Architecture and Tradition*ⁱ

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Prior to assuming his position at The University of Melbourne in early 1980 he had strategic planning and architecture practices in Vancouver and Edmonton, Canada. Through those practices he became a leader in institutional architecture in Canada and NW USA, with specialisation in the adult and juvenile criminal justice systems, courts and education. Since 1992 he has split his time between teaching and practice, again with a specialisation in institutional projects for adult and juvenile corrections, and courts. As a designer he has been a co-designer of entries in two international design competitions that became finalists, one for Parliament House Canberra, and the other for The State Museum of Victoria.

He was the planner for the Vancouver Superior Courts, a seminal court building designed by Arthur Erickson, the architecture and urban design evaluator of the PPP bids for the Victorian County Court. He is currently advising the South Australian government on a new court building for Port Augusta. For some 6 years he has been the principal facility planning advisor for the CBD Courts projects in Perth, Western Australia, with the major project for the District Court presently out for a PPP submission from two consortia.

He teaches mostly at the graduate level, including subjects on Change Management, Design programming and Evaluation, and an Advanced Design Studio.

With Dr David Tait and other colleagues he is preparing research proposals to do more systematic studies of the effects of architectural planning and design on creating successful court environments.

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BREAKING AWAY FROM THE TIRANY OF THE FLUORESCENT TUBE AND THE AIR CONDITIONER: IN SEARCH OF AN ACCOMMODATING COURTS' ARCHITECTURE

Why we need to use a people focussed, activity-based approach to the planning, design and operation of our Court buildings.

The general proposition of this presentation is that in a contemporary western society, reform, reform of any kind, is not complete, nor comprehensive enough, if we do not reconsider what would make an appropriate architecture for the desired new positions to be achieved.

The reasons for this are many, but the major ones are that there is clear evidence that buildings communicate, in a non-verbal way, the values, the attitudes and the expected behaviours of the organisation that promotes and operates a building and the services offered within and from it.

As a field of study, environmental psychology seeks to understand the direct and indirect messages given out by a building's design and planning. It is as much interested in the physical world, directly, as it is in the ways in which the attitudes and behaviours portrayed by staff and officials in the execution of their duties can reinforce or mitigate against negative messages coming from the building's architecture.

After considerable advance in our knowledge of the nature of the relationships between people and their built environments in the 1970s and early 1980s, design research interests turned more to the issues of critical cultural theory in the later 1980s and in the 1990s. More recently, with the evolution of the nature of business into a mature information and knowledge industry for much of the business in the western world, there has been considerable attention given again to ascertaining the desirable functional and experiential features for the changing workplace. The emerging new positions draw down on the theory and knowledge derived from the focus on critical cultural theory and from the original and continuing contemporary work on people environment relations.

Therefore, in any comprehensive, or partial, reconsideration of the role and processes of the Civil and Criminal Justice, the ways in which the architecture of a Court Building, wittingly or unwittingly, expresses the society's concepts of justice need to be addressed. In the process of delivering the services associated with the work of the Courts other cues and clues will be forthcoming on the values that underpin each of the services, reinforcing or contradicting the overarching position established by the justice system.

The particular proposition is that it is in the area of the *public realm* of our court buildings that we most need to seriously reconsider what is an appropriate architecture, functionally, technically, and experientially. The public realm includes the courtrooms, the jury rooms, the jury assembly areas, the holding areas, the waiting and interview rooms, the arrival halls and the approach and entry, as much as it does the actual and perceived access to suitable support services.

This is a cultural position in that architecture is seen as an artefact that can reflect and express the beliefs and values of the society and people that created it. In this sense I am using architecture as the material outcome that gives shape, form and expression to an idea, in the way in which we speak of the architects of the American Constitution, and the architecture of the computer.

In developing this position I am positing that we need to be as rigorous in our rethinking of the design of court buildings as has been the case over the last few decades for the office building. This type of rethinking of the office building as a workplace has now spread to all types of buildings, institutional and commercial. It is in response to the desires to reshape the role, purpose and processes of business. This search has included consideration of such issues as from the question of what is core and non-core business, through strategic planning to value adding; benchmarking; world's best practice, and the significance of being a learning organisation that is focussed as much on outcomes as it is on outputs.

The rethinking of the *workplace*, a term that now seems to embrace all organisations, be they public or private, institutional or profit making, office or service work, responded to a few major pressures. These include:

- the expectation that owners and governments be more resource effective in achieving the required outcomes, (be they imposed or organic),
- the ways in which we can employ the ever advancing benefits of technology,
- the role of employees and customers can play as partners in change, and
- the ever important search for enhanced operational effectiveness.

I also proffer that any new positions we develop on the requirements of the public realm may require a significant change of attitude for many people on what makes a responsible public building. It will require a commitment to equity in satisfying user needs and an appreciation of the new sensitivities we need to display to victims, the vulnerable and the staff, as well as people from non-English backgrounds. By *equity* I mean equal consideration of the needs of the various participants in the work of a court, and arrival at a balanced position for all.

THE OGRES

When we look at our Court building stock we see many buildings from the turn of the century struggling with the contemporary practices, the need to install new information technologies, and in many cases, the restrictions on changing the fabric and installations that come from their heritage status. These restrictions, formally in the case of an actual legislated heritage classification, or informally from communities that want to restrict change to these old structures and have identified them as socially and or architecturally special.

Many of these key buildings in our courts portfolios were built in Victorian and early Edwardian times when the civic leaders used grand edifices to symbolise their community's pride in their commitment to justice and law abiding behaviours. Similarly, our banks, our asylums, our churches, our schools, our post offices and our courts were invariably splendid structures, bespeaking of the community's pride in its achievements.

After World War II there was a change in attitude. Modernist sensibilities, attitudes fostered by positivist thinking and the commitment to utilitarian ideals, merged with the artistic ideology of the original, or unique, response. This position was seen to be the proper response to the concept of the *tabula rasa*, or empty table, approach to the needs of the times. Out of this grew a commitment to the International Style in architecture and an expectation of functional expressionism as the preferred style. Then, too, there was the almost unchallenged belief in the capability of technology to make for a better world.

The two items of technology I have chosen to use as ogres of middle to late 20th century court architecture, the fluorescent tube and the air conditioner, offered ready and apparently easy solutions to new problems for many court buildings. They then set the pattern for the new ones within a *minimalist* design ethic.

Up to the 1950s most court buildings were in central urban areas, and town centres, usually as part of the civic focus of the communities. They were buildings that relied on natural light and natural ventilation as the main means of making habitable space. If they were internal rooms they usually had clerestories for both light and ventilation, and or opened onto generous courtyards and light wells. High ceilings meant that the layers of over-heated air

were well above the occupants heads, and upper windows allowed its escape in the summer time. The high ceilings also allowed the windows to be above a high dado line, usually at door head height, behind the jurors and judges. As the inner cities became busier, as more people had and used cars, the windows started to become a problem. When open they let in noise and urban grit. When closed they were not able to keep out the noise very well and they could not provide ventilation.

Into this conundrum came the results of the emerging technologies of that time. The fluorescent tube light was powerful enough to allow people to see and read without windows, and more importantly, economical enough to be left on all day. Without the heat generation problems and short life of the incandescent globes, windows as a light source were not needed.

The air-conditioner offered both ventilation and temperature control. Windows as a ventilation system were not needed. So we lost the window, and if we did not need it for the courtrooms then we didn't need it for other rooms either. So jury deliberation rooms, waiting areas, offices and registries all succumbed to the internalised room phenomenon, even in small court buildings.

Mechanical ventilation, and then air conditioning attached to the distribution network soon led to the lowering of the ceilings --- it meant less air volume to be conditioned and therefore the air-conditioning dollars could go further. So the ceilings of courtrooms were soon lowered, as their height was no longer a determinant of air quality.

The utilitarian philosophy of the maximum gain for the maximum number of people from any action, coupled with the keen memory of the depression, and the strong Protestant religious ethic, seemed to lead to a mentality of basic needs only, focussing on the functional at the expense of the experiential. For some, this seemed to be a new morality, and any perception of extravagance was seen as grossly improper expenditure of funds, and indefensible.

Over the last few decades there has been in Australia the dominance of the developer-led model of procuring buildings. In this model, drawn from the USA, the speculative developer sets the shape, form and character of the building and then the tenants are sought. The form is best expressed as design and construct contracts. This still applies, as we seemed wedded to the developer led model prominent in USA, as opposed to the occupant led model of Europe. These adverse work place conditions are not peculiar to Courts Buildings. They pervade all types of public and private buildings.

The current rage of Public Private Partnerships, however, can be approached from the basis of either developer driven or occupier driven ethos. The potential for that procurement method to foster innovative responses to expectations and desired outcomes, fits well with the arguments of the benefits of real strategic planning and practice. In some ways this is the benefit we gained from applying the procurement method to the provision of a new building for the County Court of Victoria in Melbourne, Australia.

THE RETREAT FROM THE SPARTAN, INTERNALISED, TECHNOLOGY FOCUSED UTILITARIAN BUILDINGS.

If the challenge to apply the same rethinking of the architecture of courts as has been applied to the office building is to be taken up, what are the implications on Court Building Architecture?

The work of Law Reform Agencies is central to the rethinking of Court Architecture. Just as in the world of office buildings, the changing nature of the "business" of justice and the positive impacts of technology have to be considered. Here I need to express my layperson's assumption of the role of Law Reform. I sense that it is to ensure that we have in place and effectively operating, the legal instruments and Court structures and processes we need to have to maintain our individual rights and privileges as well as to ensure acceptable levels of

personal and organisational behaviours. In ensuring us of that, I further assume that Law Reform decides, almost in a *Solomon-like* way, what to hold, what to adapt and what to change about the values, instruments and processes that inform and drive our justice systems.

With such a base it is possible to then think about Court architecture in the ways that Kolb advocates in the quotation on the title page.

Modelling the Roles and Expectations of a new Building.

Figure One: *Notions of Performance* is an heuristic that I use to show the inter-relationships of the many concepts and factors that impinge on the decisions and expectations that the various users, providers and occupiers expect from a building.

Notions of Performance

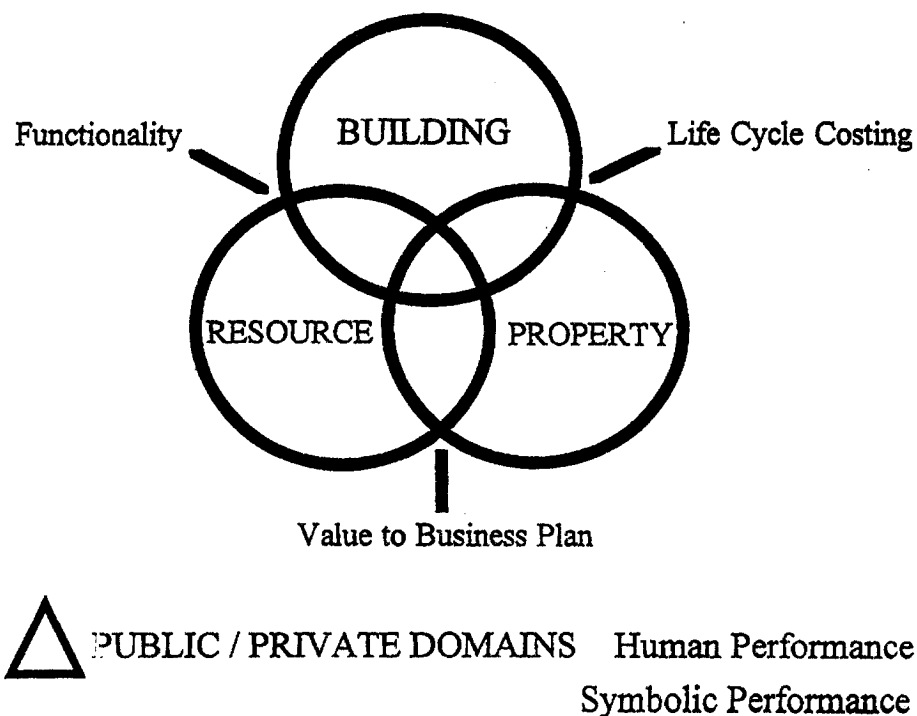


Figure 1: A heuristic model of performance

The model reflects the type of interests that are central to the responsibilities of all the players involved in making a satisfying building of high architectural quality. We can look at our facilities in terms of them being:

- **as a building**, or the physical object of the envelope, the structure, the rooms, the environmental engineering, the movement systems, the technologies and the materials.

- **as a resource** that accommodates the activities that have to be performed in and around the building by the occupants and their organisation(s) to achieve their outcomes and produce their outputs.
- **as affordable property**, initially and over time.

At the centre of the diagram where the three roles as a building, as accommodation and as property overlap, will be found the quintessential qualities of the view one is taking about our built environment. To me, the architectural imperatives are still about how the building performs symbolically and how it supports enhanced human performance. Such imperatives cannot, however, mask, or lessen the need for the Court Building to also work well in the three other roles.

Where the three primary roles overlap there is obviously the opportunity to consider additional expectations. These of course can change by the nature of the project and the interest of the participants in the process. A good planning and design process will articulate the particular concerns for a project.

Generally I show that together the role as a building and the role as a resource need to ensure adequate functionality, including being capable to respond to changes over time. The role as a building and its overlap with the property role should address life-cycle cost targets and, triple bottom line imperatives for the projectⁱⁱ. Jointly the property and accommodation roles should satisfy the business plans of the organisation and its responsibilities to the community it serves.

Balancing expectations of the various players in the procurement process

In devising this heuristic I have been mindful of how the future occupiers and other users can be frustrated by the positions being taken by the various players in the process of procuring a facility. This is especially so when it seems that issues of property costs and asset maintenance seem to overly dominate the planning and design process and the concern for people issues.

If we use the model to help reach agreement on expectations then we can express these expectations in terms of how the project should perform for the occupiers, the other users, the promoters and the community.

As a building. This can be expressed in terms of :

- Spatial quality
- Thermal quality
- Air Quality
- Acoustical Quality
- Visual Quality
- Safety and Security
- Communications quality
- Material quality,
- Ease of maintenance, and
- Building Integrity

This sub-model is based on the work of Professor Volker Hartkopf and colleagues at Carnegie Mellon University in USAⁱⁱⁱ. They have developed the framework as the basis for organising the Performance Criteria of a project, and evaluating the effectiveness of proposed building systems. The Hartkopf team uses these key building performance criteria to articulate how they can impact on the physiological, psychological, sociological and economic needs of the occupants.

Organizing Performance Criteria for Evaluating the Integration of Systems				
	PHYSIOLOGICAL NEEDS	PSYCHOLOGICAL NEEDS	SOCIOLOGICAL NEEDS	ECONOMIC NEEDS
PERFORMANCE CRITERIA SPECIFIC TO CERTAIN HUMAN SENSES, IN THE INTEGRATED SYSTEM				
SPATIAL QUALITY	Ergonomic comfort handicap access functional servicing	Habitability, beauty, calm, excitement, view	Wayfinding, functional adjacencies	Space conservation
THERMAL QUALITY	No numbness, frost- bite, no drowsiness, heat stroke	Sense of warmth, individual control	Flexibility to dress with the custom	Energy conservation
AIR QUALITY	Air purity; no lung problems, no rashes, cancers, no outgassing	Healthy plants, not closed in or stuffy, no synthetics	No irritation from neighbors, smoke, smells	Energy conservation
ACOUSTICAL QUALITY	No hearing damage, music enjoyment speech clarity	Quiet, soothing, or active, exciting "alive"	Privacy, communication	First costs
VISUAL QUALITY	No glare, good task illumination, way- finding, no fatigue	Orientation, cheer- fulness, calm, inti- mate/spacious, alive	Status of window, daylit office "sense of territory"	Energy conservation
BUILDING INTEGRITY	Fire safety; struct. strength+stability; weathertightness	Durability, sense of stability, image	Status/appearance quality of construction "craftsmanship"	Material / labor conservation
PERFORMANCE CRITERIA GENERAL TO ALL HUMAN SENSES, IN THE INTEGRATED SYSTEM				
	Physical comfort Health Safety Function Appropriateness	Psychological comfort Mental health Psychological safety Aesthetics Delight	Privacy Security Community Image/status	Space conservation Material conservation Time conservation Energy conservation Money conservation

Figure 2.6 Standards should be set for these key building performance qualities to address the physiological, psychological, sociological, and economic needs of the occupant (Hartkopf, Loftness, and Mill, *The Building Systems Integration Handbook*, ©1991 The American Institute of Architects. Reproduced with permission under license number 91069. ALL RIGHTS RESERVED).

Figure 2: Building Physical Performance and Human Satisfaction Measures.
Taken from Hartkopf, et al, 1993, p.25.

From a court users' points of view a framework of this kind with its focus on the expected performance allows users to provide descriptions of the conditions required, without having to be a master of all the technical jargon, standards and measurements.

For example, one can say that the acoustical separation between a jury deliberation suite and all adjacent spaces, rooms and passages, should be such that the discussions of the jury, at normal and shouting levels, cannot be heard in those adjacent spaces. And similarly, that within the jury deliberation suite it is not possible to hear discussions in the adjacent spaces. Both these statements can be elaborated to say that being heard means just that, you cannot discern that someone is speaking. In other parts of the building it might be sufficient to say that the nature of what is being said should not be discernible. This would mean that you would accept being able to hear that someone was speaking, but you could not make out what was being said.

As a resource for the organisation, the performance requirements of the desired facilities can be expressed in terms of the *people* to be accommodated, the *processes* in which they will be involved and the *types of places* that will be fitting accommodation of the activities to be housed. People, Places and Processes are now quite common descriptors used in the planning and design of various workplaces.

Place making has become a major focus of design attention of recent years. It addresses the issues of image and meaning, affect and significance that space and form have on people. The types of questions that apply to courts buildings include:

- Should it be a relaxing place?
- Is it user friendly enough?
- Does it satisfy cultural norms for appropriate layouts and internal conditions?
- Does the place provide enough privacy?
- Is there psychological relief from the stress of the role and time involved?

Can people feel safe enough?
 Is it possible to keep victims and accused persons and their supporters adequately apart?
 Can we accommodate high risk trials and proceedings without paralysing the rest of the Building?
 Does the layout of the building help people find their way?

As a Property Commitment. This is where recently we have had a coalescing of public and private processes through the moves to tap the innovative and entrepreneurial capabilities of the private sector and to fit public capital expenditure into more developer-like models of initial and life cycle costs. The move into Public Private Partnerships has helped cash strapped governments address pressing building needs, and now seems the preferred mode of building and infrastructure procurement for many Australian State governments. The County Court in Melbourne was procured this way, and the new District Court Building for Perth is presently being bidded as a PPP. The South Australian government is doing the feasibility studies for a number of regional and suburban courts buildings in conjunction with police stations, and there has been work done on the possibilities of a PPP for the Supreme Court.

There are a number of arguments for and against the outsourcing of government service delivery to the private sector, and on the pros and cons of increasing state debt over entering into long term operating leases that include lease costs of a building that the government might never own. Regardless of outcomes of such debates it is clear that the quality of the architecture of a court's building need not suffer under this procurement method if the public sector comparators, or the estimates of what it would cost government to provide the same building and services, are realistic.

That is, if the assessment of those costs, together with the adjustments for the risks being transferred to the private sector, is not optimistically low, then the state should benefit from an innovative proposal.

In support of Human and Symbolic Performance : The Affect and Signification of the Built Environment

It is here that there have been the most dramatic changes of recent times in what is seen to make an appropriate architecture, and a major area of change in business thinking associated with the reformed workplace. Beyond the polemical debates of style and sensibilities there seems to be hard evidence emerging.

In addition to those architectural qualities that might make a place memorable, and "feel right" and fit for purpose, such as mood, image and character, considerable attention is being given to social and behavioural factors. Issues of privacy, territoriality, personalising of place, cognitive behaviour, way finding, imagery, and spatial behaviour are now being addressed as part of determining desirable qualities of effective workplaces. To these are added interests in the fields of organisational behaviour in human motivation and how values lead to attitudes and behaviours. In short, there is considerable energy being expended in seeking deeper understandings of how the physical and organisational environments affect human performance and how they communicate values and visions in the business workplace.

It is in this area that the 1997-1999 *Review of the Criminal and Civil Justice System in Western Australia*, by the Law Reform Commission of Western Australia has made a contribution. A separate study by Louise St. John Kennedy, architect of Perth, WA, and Dr. David Tait, academic, The University of Canberra,^{iv} became section 5.2: *Court Perspectives: Architecture, Psychology and Law Reform in Western Australia*, of the Consultation Drafts. It led to a section of the final report, *Section 34: The Court Environment* in which there are some 27 recommendations about the planning and design processes, and the desirable qualities for a new court building.

"34.1 The physical and social environment of the courts and its impact on how citizens experience court processes may be an essential component in improving the justice

system. This is because the design and aesthetics of court buildings may affect users' perceptions of the judicial system. " p.373

That work by Kennedy and Tait found that there was little architectural psychology research work in Court Buildings. A later study of which I was part in 2002, showed that there still was not a lot of formal research under way. A new study has been started by Dr. Craig Zimmering at Georgia Tech University, in Atlanta, USA, and perhaps the most complete set of evaluations of new court buildings has happened in New Zealand, from 1993 to 1996, led by Dr. Duncan Joiner, now pro-vice chancellor of Massey University, Wellington. So recent small work for the development of the brief for the new District Court in Perth confirms the necessity for more serious and comprehensive work, and confirms the relevance of some clues coming from other fields.^v

There is considerable work, however, in the business workplace, and from that field and from Europe there are some clear indicators of what might be useful clues for better court house design.

The concept of healthy buildings is quite strong, and its relation to more than the air quality makes it a pertinent source of clues on how we might be able to make better public realms in courts buildings. For example,

One criterion is the ability to see out of the work place, to have meaningful views. The rule of thumb seems to be 12-13 metres, maximum distance, from a window with views out and natural light for workstations. In Holland legislation requires a six metre maximum distance.

Break out spaces are being provided to allow relief from the intensity of concentration, and to foster moments of exercise within a basically sedentary day.

In call centres the regular breaks include movement through naturally lit areas so that the eye can adjust from "Screen fatigue" and the operator stays connected to the outside climatic conditions. In these work environments colours are also used for special effects.

In Sydney there is market evidence that office workers are enjoying access to natural ventilation through meetings and break-out places in what are being called "winter gardens", a form of conservatory.

Clustering of teams of workers with access to small alcoves and retreats for more private work is now quite common.

Some Topics for Consideration

Below are some issues on Court Planning Principles and Policies that I like to see addressed each time I am involved in considering what might make a better Court Building. They focus on how to make court buildings more user friendly, and what positive messages should be projected to users and the broader community, in terms of symbolism, mood, image and character.

Following these issues are of some points for consideration that I presented at the *Representing Justice Conference* in Wollongong in 1998.

As part of the personal presentation there will be some slides to supplement this written proposition

*SOME ISSUES LEADING TO PRINCIPLES AND VALUES TO GUIDE COURT PLANNING,
DESIGN AND OPERATION*

Respect for Justice:

1. Demystifying the Court Operations

People unfamiliar with court operations will be uncertain and less confident when they become involved for the first time. This can be traumatising, especially for those from other cultural backgrounds and those not fluent in English. If there is access to multi lingual, and multi-formed guidance and explanations before, during and after a matter this can only enhance the chance for a better understanding, leading to respect.

2. Respect for Justice: Formal versus Informal Settings

Regardless of the changes in process and experiments in more appropriate settings for justice operations, the overall projected image should not reduce the significance of justice and the judiciary in our democratic society.

For those matters that do continue to trial after the lack of success of alternative dispute resolution formats, or diversionary decisions, a formal setting is appropriate. This is to emphasis the seriousness of the matter and the need for it to be heard in a full court.

3. Personal and community healing.

While the final determination of a matter before a Court represents the conclusion of the matter, legally, (subject to appeal), the manner in which the Court and the administration handle the matter can have a significant bearing on the healing processes for individuals and the community. It can help or hinder the processes of restorative justice.

4. Respect for the Justice system begins with respect for the dignity of the human being

5. Uniqueness in a sea of Justice Matters

Regardless of the size and jurisdictions accommodated in a court building, for those involved in matters before the Courts, there is only one case, theirs. All the operational structures and procedures as well as spatial planning should support this phenomenon, which of course is also a tenet of our justice system, namely, each case to be heard on its own merits.

6. Accommodating individuals and groups:

In Court Buildings there are special patterns of people moving and waiting that the public domain must accommodate.

People will move around the Building in various manners, from the rushing individuals to the large school tour groups, with the most common being parties to a case who might be 3-4 wide, and many professionals pulling carts and bags of materials. The passageways, especially those abutting waiting areas, need to of adequate width to accommodate this social grouping while not "invading" the space of those in the waiting areas.

Families and friends will be there to help and support. And groups of "one side" will want to be separate from the immediate presence of the other side.

7. Independence of Justice from Law Enforcement

In Australia the independence of the Courts from the other arms of government seem less clear that in other countries. We also have the lingering image of police courts while prosecutors are uniformed officers, and a lesser degree of apparent independence when the Courts and the police co-habit the same structure.

More User Friendly Court Buildings

1. Social and Cultural Sensitivities:

In a multi-cultural society, courts buildings will always attract a wide range of people with different traditions, and patterns of acceptable and unacceptable behaviours. These can be gleaned through building in use surveys and the results factored into plans and designs.

The different norms and behaviours are at least likely to cover ways in which people approach buildings, what are deemed to be appropriate forms of transition from outside to inside, what makes one feel welcome. They can also influence how people access places within the building from deciding on entering or not, depending on who is inside, to the placement of toilets and other amenities. Not having to mix with others can also be an issue.

2. Wayfinding:

The form, arrangement and layouts of the Courts Building should "enable" the unfamiliar users to anticipate and locate themselves and lead them to their destinations, making the operations "plain to see" for all participants.

Good planning and design should have precedence over reliance on signs. Where signs are needed they should be multi-lingual and include floor plans/ maps.

3. Approach and Entry.

The way people approach the Court Building should be easy and logical, befitting the symbol of justice and befitting the third arm of our governmental system. In urban areas this includes issues of whether the building continues the urban fabric or sits on its own.

Whether the sense of arrival is outside or inside the Building, it should be clearly felt.

Functionally, pedestrian routes should be collected in a logical way and directed to the entrance(s). Interfaces with vehicles, taxis and buses, including tour buses, should not be disruptive to the functioning of both the Courts and the sense of a civic place.

4. Entry and Orientation:

From the entry place --- Foyer or Entrance Hall --- people should know they have arrived and be able to see where to go next: to administration/ registry, to support groups, and in no doubt of where to go for court rooms and hearings. Information should be readily available, and in support of the building itself being a "road map".

5. Familiar and Unfamiliar Users:

Respect the focussed determination of the busy regular user, as well the uncertainty and tentativeness of the first time users.

6. Balancing Peaks and Valleys:

Work patterns and intensities of a large Courts Building vary quite considerably, diurnally and weekly.

When very busy, the experience should not be one of excessive overcrowding and under-provision of space, and when slow, not a sense of excessive and irresponsible provision of space.

7. Waiting and delays:

Like in hospitals, in Courts Buildings there can be considerable waiting, which is associated with the proper functioning of the matters, and not a sign of dysfunction.

All parties should be able to continue with their work/lives while waiting to the maximum degree possible and within the capabilities and capacities of the Courts and the Court Administration to support.

8. Meeting:

Arriving at different times and from different directions and needing to meet people, sometimes for the first time, is a major characteristic of the workings of Courts.

Places with identifiable characteristics are needed, inside and outside the Building for this function of use.

9. Emotions:

In Court matters personal emotions can be quite close to the surface, and break out at times, while litigants, juries, witnesses, the accused, staff and judicial officers all have to concentrate and remain focussed and attentive.

The need for relief from these complex conditions, be it momentarily by focussing on something beyond the immediate, or symbolically, by getting "outside the area", is central to producing good order and less stress.

10. "Getting Outside":

Without being an euphemism for smoking areas, there is a demonstrated benefit for access to the outside for many court users, especially indigenous people. How this is achieved is a challenge, especially when sub-issues of safety and security on any balconies are considered, let alone the issues of contraband being introduced through any decks or courtyards.

Safe and Intimidation Free Court Buildings.

1. Direct and substantial help to the disadvantaged:

We are used to thinking of the physically disabled persons being disadvantaged, but there are others such as those unfamiliar with the process and protocols. As well as the self-represented, there are those of cultural traditions different to that on which our justice systems is built, and who can feel intimidated by the experiences of going to court.

2. Safety (and Security):

The potential for unexpected behaviours and deliberate actions that threaten the safety of staff and all participants, as well as proceedings, is real in Courts Buildings. Through effective policies and procedures, good supportive architectural planning and construction, and effective support from technology, the potential for incidents needs to be reduced and results of any incidents minimised.

At all times, people should have confidence that they are in a safe place.

3. Separation of parties to matter:

Within the boundaries of an open court, allowing generally free movement it should be possible for the vulnerable and the uncertain, such as victims to feel "free" of the chance of unwanted contact with the accused or his/her supporters. This applies to both movement within the building as well as waiting and participating. While court officers can be in attendance, for some the underlying planning and design should provide comfort and confidence when they are not available.

4. Integrity of Separated Movement Systems:

The separate movement systems for the judiciary, jurors, accused in custody (AIC) should not be compromised at normal times or in times of emergency.

SOME POINTS FOR CONSIDERATION: MAINTAINING THE BALANCE

There are numerous aspects of the operations of a court building that need careful consideration in terms of respecting that fragile balance of what our system is about and justice being seen to be done, and below are some of these.

"Putting the System at Risk" is about ensuring that we are always sensitive to the need that the public who come in contact with the justice system, through use of a courts building, do not lose respect for the importance of justice.

Within the court room : *Putting the System at risk*

The visual screening of witnesses from the accused and the impact this might have on the tenet of "in the presence of the accused" .

Similarly, when a disruptive accused is excused.

With the use of CCTV Appearances, especially for remandees, what is the impact on "being heard in an open court", if supporters, eg., immediate family cannot be in attendance at the off-site "studio"?

With the commitment to Multiculturalism: what access is needed to instant translation to allow a jury of peers?

What if all participants, including self represented witnesses are not able to keep up with technology?

Do we still have an open court if there is glass separation between the action area and the entire public gallery?

Affecting the Image of the System

Commercial TV recording and its impact on the decorum of the setting.

If the bench is not symmetrically positioned in the layout of the courtroom is the significance of the judge's role reduced?

Views out provide psychological relief and symbolise the connection to the community.

Technology, computers and goose-necked microphones, when they give the impression of being a disorganised recording workshop.

Within the Court Building : *Putting the System at risk*

Access to the outside if it compromises safety and security.

Not being able to get help from advisory groups and support agencies before, during and after a trial.

If participants are not able to feel safe

If participants are not able to feel trusted because of the excessive presence of security equipment and staff.

When the participants feel part of an assembly line of justice.

When the quality of accommodation for persons in custody, and counsel's access to them is not adequate.

If the occupants and participants sense the court building is an unhealthy building.

If the Persons in Custody holding areas are allowed to become police lock ups.

Affecting the Image of the System:

If the image and impressions are more like a bank or an office building than a special place for adjudicating on whether or not people's behaviour is acceptable.

If it is not easy to find one's way around the Building

If one cannot feel special because of overcrowding

If one is not able to regulate (control) the interaction and exchange with others when outside the courtroom.

When waiting for long times means increased anxiety and becoming bored.

When the planning, design and operation are culturally insensitive.

Location and Accessibility: *Putting the System at risk*

If the vehicle access routes and entry points for the accused in custody and judicial officers cannot provide safe arrivals and departures.

Affecting the Image of the System:

If government and private buildings dominate a court building's presence, its civic and social importance as a symbol of justice will be lost.

If the site is in an area of depressed conditions, it will be hard to present a positive image, and effect connection to the broader community.

Connection with the broader community could be positive, symbolically and actually, through its use for non-Court functions, such as city or state receptions, public lectures and exhibitions.

Possible Futures: *Putting the System at risk:*

Insufficient acceptance that multiculturalism requires recognition of the value and usefulness of other concepts of justice.

If the costs of civil litigation and defence of criminal charges rise beyond the means of the general community then the system is at risk.

If we allow too many categories of exclusion from jury duty we violate the principle of a jury of peers.

Affecting the Image of the System :

After the Constitutional decision in Australia, will our courts have a higher profile as the third arm of government?

If we restructure our levels of government in Australia to local and national will we reduce the perception of an accessible justice?

If there is a Bill of Rights or other forms of legislated human rights, will the system be seen to be fairer and less government dominated?

With increased alternative forms of dispute resolution will there be an adverse reaction to the reduction in the "critical mass" of the commonly perceived court system?

IN CONCLUSION

I hope I have been able to demonstrate that there is a need to reconsider what makes for appropriate Courts' architecture as part of Law Reform. This is both in terms of the changes that are about us in relation to our cultural make-up and the reforms to our laws and due processes that come from the work of Law Reform Agencies.

But it is equally so because of the role architecture is playing in the almost silent, but very dramatic revolution in the work place of our institutions, businesses and industries. We can learn from these allied fields since the values they espouse are not dissimilar to those that drive the desires for a fair, speedy and affordable system of justice that are at the core of the moves for law reform.

In fact with the focus of much of the reforms in the workplace resulting in higher productivity and higher user satisfaction in lesser building area per person, there are considerable gains to be made from a process that is structured to be:

- People focussed
- Activity based
- Socially and culturally sensitive
- Change motivated
- Issue driven decision-making
- Risk sensitive
- Context responsive.

Nor should we be concerned about the move to alternative methods of procurement and the sharing of the risks associated with designing, building, financing, owning and maintaining and refurbishing courts buildings with the private sector. In and of itself, this process need not be an issue. If the process is driven solely for cheaper first capital costs, it is as inappropriate as any method with the same aims.

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ⁱ Kolb, D., 1990, *Post Modern Sophistications: Philosophy, Architecture and Traditions*, The University of Chicago Press, Chicago, Ill.

ⁱⁱ These are usually expressed as socially, economically and environmentally responsible.

ⁱⁱⁱ Hartkopf, V., et al, 1993, *Designing the Office of the Future: The Japanese Approach to Tomorrow's Workplace*, Wiley and Sons, New York, NY.

^{iv} Kennedy, Louise St John, and Tait, David, (1999), *Court Perspectives: Architecture, Psychology, and Law Reform in Western Australia*, The Law reform Commission of Western Australia, Perth

^v Since this project is in the bidding phase there is an embargo on the results and their interpretation. They have addressed issues of making a court building more user friendly, generally, and key aspects of a Cultural Brief for Indigenous People.