

What Will Shape the Future of Courthouse Design?

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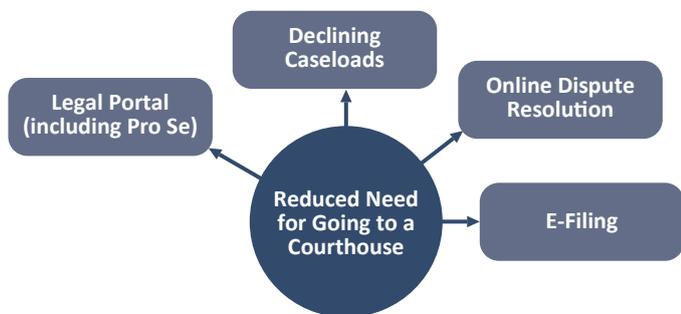
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Trends in court management are driven by not only operational (internal) factors, but also responses to our rapidly changing world (external). These factors require architects and court planners to reexamine how spaces are designed to accommodate functional, environmental, and societal needs and expectations.

Courthouse planning requires building occupants not only to contemplate the types of spaces and amenities that meet their current operational requirements but also to anticipate needs. By studying court management trends, building occupants and designers can foresee how the built environment may respond.

Note: At the time this article was in development, the COVID-19 outbreak was only beginning to manifest as a global pandemic. Already, this unprecedented event is having an enormous impact on court operations, challenging traditional ways of conducting business. As the pandemic evolves, the courts will continue to adapt, and many new processes and procedures may become standard practice, further transforming courthouse space requirements.

Reduced Need for Going to a Courthouse, High-Level Objectives



Among many factors, the following trends are likely to make a significant impact on court facility planning and design:

- the reduced need to go to a courthouse because of emerging technologies and declining caseloads;
- the adoption of evidence-based practices, including restorative justice, increasing access to justice, and a desire to enhance public trust;
- the evolving workforce and the skills needed, including how to attract and retain court staff by considering their generational expectations; and
- the adaptation to global and societal changes, including climate, increased multimodal transportation options, and security.

Proper physical space, amenities, and the courthouse atmosphere are all planning considerations that need to be carefully thought out to support these trends. These considerations are presented in the Design Response Map. While the Design Response Map may be intimidating at first glance, the reader is encouraged to start with a major trend and follow the branches one by one to see how they lead to architectural opportunities and facility design responses.

Reduced Need for Going to a Courthouse

Technology is rapidly impacting our society in novel and dramatic ways. It provides opportunities and challenges to courts that necessitate operational responses and, in turn, affect physical space requirements. Online dispute resolution and e-filing are already reducing foot traffic in courthouses and forcing courts to consider new types of services they offer to the public both virtually and in person. Further, caseloads are declining nationwide, and the need for physical adjudication space is decreasing.

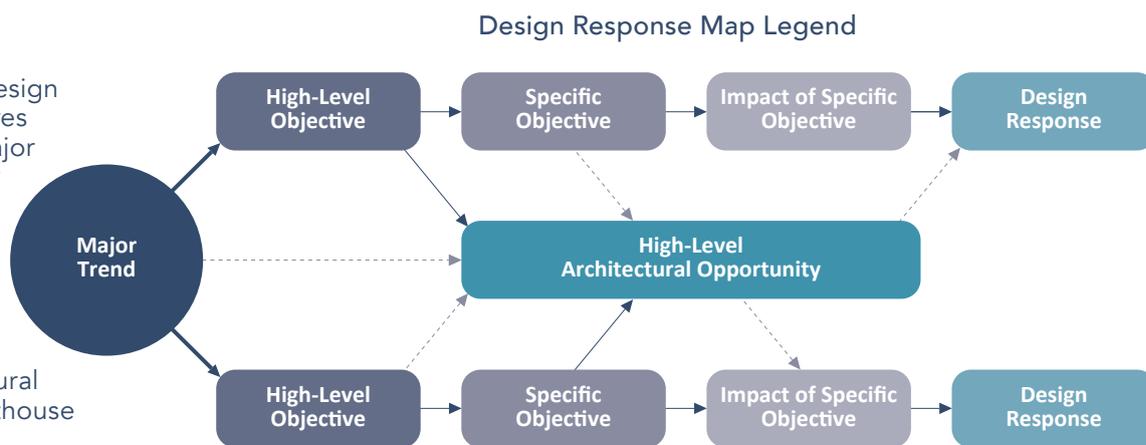
E-Filing

A dream for many years of legal practitioners, judges, court managers, and technologists, e-filing is now almost universal in the nation's state and federal courts. Court-record-storage spaces often have empty shelves as new cases are e-filed, and existing cases are scanned into document repositories. Lines of customers at the clerk's windows have become much shorter, and as fewer people trek to the courthouse, the need for parking will decline.

Online Dispute Resolution (ODR)

ODR is moving from pilot testing to statewide and widespread local implementation. Used for many years in commercial dispute resolution, ODR is increasingly sponsored by state and local courts to help civil litigants. Parents and spouses in family case types and criminal-case litigants (including prosecutors and traffic and criminal defendants) can potentially achieve relatively quick and inexpensive resolutions of issues with or without a mediator. Disputes may become court cases if all issues cannot be resolved, but ODR can reduce the number of issues the court must address. Similar to e-filing, ODR will also reduce foot traffic in courthouses.

The accompanying Design Response Map explores the progression of major court trends and their objectives to possible design responses. One can trace connections and converging objectives to understand how they lead to architectural opportunities in courthouse design and planning.



Legal Portals

As the number of self-represented litigants continues to increase, the need for services and amenities to support those litigants will be more in demand.

Although still in development in some jurisdictions, legal portals provide remote access to technology for litigants. Acknowledging that members of the public may not know if their dispute is a legal matter or not, a technical standards group renamed “litigant portals” as “legal portals” to help identify them as a community resource to help people resolve their questions.

Even with the availability of technology, some individuals will come to the courthouse for help, and the way the court serves the public will continue to adapt. A self-help capability center in the courthouse where the public can have face-to-face interaction at information desks, and the availability of public kiosks and computers, worktables, research materials, and scanning stations, will be a growing need.

Impact of Declining Caseloads

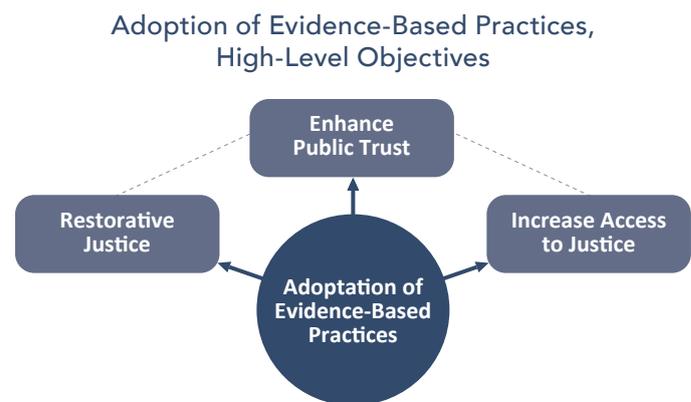
The decline in caseloads has been documented since the Great Recession of 2007. Total incoming cases in state courts from 2007-17 decreased by 22 percent (Court Statistics Project, 2019). The actual numbers and the reasons for this decrease vary by state and by case type. Still, this trend will continue for a variety of reasons, including increasing numbers of self-represented litigants, ODR, and legal portals. Some jurisdictions have already begun to realign their existing facilities to optimize the use of space and increase operational efficiencies.

As declining caseload trends continue, many jurisdictions will see an opportunity to save money and reduce construction budgets and space allocations. Using spaces to their full potential will be expected and may include judges sharing courtrooms, staff sharing resources, and planning for spaces to accommodate multiple uses whenever possible.

...some jurisdictions need additional meeting space and have created "alternative dispute resolution centers" where meeting rooms are clustered.

Adoption of Evidence-Based Practices

Evidence-based practices, such as restorative justice, will continue to gain popularity. Simultaneously, the building industry recognizes the impact of our environment on our health and wellness. Case studies demonstrate the importance of a wellness-inspired environment and stress reduction on a person's behavior and decision making for the public and court personnel, too. The built environment can enhance access to justice and increase public trust in the courts. Through its design, the courthouse conveys a message to its occupants and reinforces the values of the court and the community it serves.



Implementation and Integration of Restorative Justice Strategies

Mediation has played a role in court processes for decades, particularly in civil and family case types, and probation and community supervision in criminal and juvenile case types are universal. But the theory of restorative justice expands the scope of cooperative processes that include all stakeholders in potentially all case types to focus on repairing harm and encouraging participation in the resolution of issues. As a result, some jurisdictions need additional meeting space and have created "alternative dispute resolution centers" where meeting rooms are clustered.

Supervision of pretrial and convicted defendants and mediation/arbitration are long-used strategies to provide restorative justice. In jurisdictions where new programs are being introduced or redesigned, there is a need for probation and mediation operations space to be located in close proximity to the court. These operations should be nearby to facilitate staff and public access to the courthouse.

New attention has been paid to wellness-inspired and trauma-informed space-planning strategies to reduce environmental stresses on court visitors and occupants. Participants in court proceedings are often under stress, which can lead to mental fatigue and even emotional outbursts. Biophilic design recognizes that court customers, as well as employees, benefit from contact with natural light, ventilation, natural materials, vegetation, views, and natural shapes and forms—in short, valuable connections with the natural world.¹

Enhancing Public Trust

When individuals go into a courthouse, attention needs to be given to their perceptions of what type of building it is and their feelings related to the reason and purpose for which they are entering it—the building image. Given the role of justice seeking in American society, a court facility should reflect the values of its community and the judicial system.

As a means of enhancing public trust, researchers have studied the perception of openness from the building occupants' points of view and identified the following implications for courthouse design practice to achieve transparency and exposure:

- include large areas of exterior windows to connect the interior and exterior visually;
- provide strategic visual links from interior spaces to key local landmarks;
- offer views of important interior public spaces from the streets and sidewalks;
- optimize engagement with pedestrian and vehicular traffic; and
- enhance the visibility of the courthouse. (See Pati, Rashid, and Zimring, 2010. The authors acknowledge that the survey of building occupants but not the general public; the small size, 3, of the courthouse sample; and the limitation to federal courthouses may limit generalizability of the findings.)

These principles sharply contrast with some court facilities built in the 1960s and 1970s, characterized by massive, monolithic, and “blocky” appearances with large-scale use of poured concrete.

Architects and designers should not be limited to a particular style of architecture. Instead, they should convey an image that is appropriate to the community and court.

Increasing Access to Justice

Access to justice has different meanings, from the physical ability to appear in court, to the systemic barriers faced by various members of the community. Understanding the profile of members of the public who are court customers will aid courts in identifying ways to meet their needs in obtaining access to justice. Where the courthouse is located and how its patrons travel to the facility and enter it will depend on the site selected and the means to physically approach the building, such as:

- placing the courthouse near public transportation;
- locating the courthouse on heavy-traffic corridors;
- positioning the courthouse on a site visible from one or more major highways;
- ensuring easy access from public parking;
- designing for universal access;
- providing a processional entry sequence (to guide court-users) from transfer points to the main public entrance; and
- using form and materials to design articulated entrances. (See Pati, Bose, and Zimring, 2007.)

¹ “Biophilic design is a concept used within the building industry to increase occupant connectivity to the natural environment through the use of direct nature, indirect nature, and space and place conditions.” See https://en.wikipedia.org/wiki/Biophilic_design.

The Evolving Workforce

The Millennial Generation (also known as Gen Y) outnumbered Baby Boomers in 2019 (Fry, 2018), and Gen Z is just beginning to enter the workforce. By 2025, over 70 percent of the workforce will be Gen Y and Gen Z (Capital Global Employment Solutions, 2018). The court must adjust its operations and physical spaces to attract and retain these workers because their work environment expectations and needs are different, e.g., teleworking will be commonplace for all kinds of jobs that require access to electronic court records and do not require face-to-face interactions (other than through videoconferencing).



Agile workspace such as “hoteling workstations” will be needed as workers dynamically schedule their use of workspaces...as they move from task to task in the court. Hoteling workstations also provide teleworkers with a place to plug-in when they need to work on-site.

Designing the Environment to Retain and Attract Staff

Two related objectives can help court managers deliver services to the public. Team building and cross-training of staff help share knowledge; best practices inspire creativity and innovation and communicate a shared mission, values, and culture. Jobs in a court have become less dependent upon moving paper files from desk to desk because many or most court records are now electronic. Cross-training creates more agile staff, and though it is not a new management strategy, it has implications for court facility design.

An agile staff means that employees perform multiple kinds of tasks, which increases the flexibility of the court in delivering services and makes jobs more interesting. Agile workspace such as “hoteling workstations” will be needed as workers dynamically schedule their use of workspaces such as desks, cubicles, and offices as they move from task to task in the court. Hoteling workstations also provide teleworkers with a place to plug-in when they need to work on-site.

As courts seek to retain and attract staff, they should aspire to meet the expectations of a desirable workplace. “Workplace effectiveness” is a way of thinking about the workplace as “a shift toward high-performance behaviors. As knowledge and creative work have become more complex and interconnected, people today report spending less time working alone and more time collaborating (in person and virtually), socializing, and learning” (Gensler Research Institute, 2019).

Other expectations of the workplace environment include the availability of childcare and observance of the principles of biophilic design.

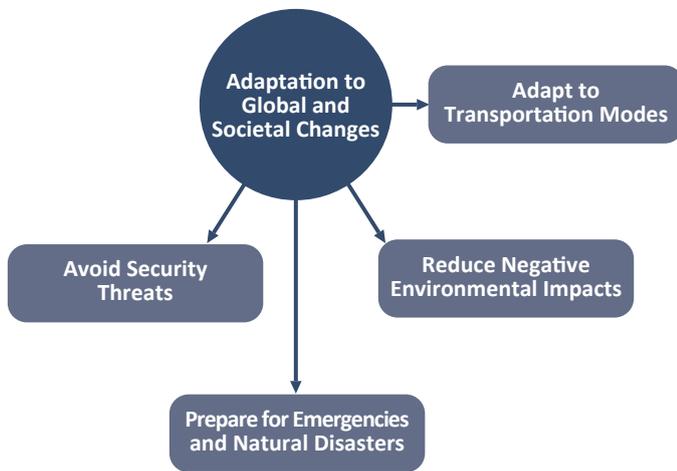
Adaptation to Global and Societal Changes

Global changes, such as climate and societal changes, related to technological innovation have affected our day-to-day life and will, in turn, affect our urban fabric and buildings.

Adapting to Changing Transportation Modes

Multimodal alternatives to driving, such as ridesharing, increased bike lanes, improved public transportation routes and frequency, and self-driving vehicles, will increase physical access to justice and reduce the amount of parking needed at court facilities in most urban and many suburban jurisdictions.

Adaptation to Global and Societal Changes, High-Level Objectives



Reducing Negative Environmental Impacts

Sustainable building design will become more and more commonplace. “The building sector is the single largest consumer of energy and producer of greenhouse gas emissions. The urban built environment is responsible for 75% of annual global greenhouse gas (GHG) emissions: buildings alone account for 39%” (Architecture 2030, n.d.). The American Institute of Architects 2030 Commitment aims to work toward a carbon-neutral built environment by 2030. This commitment is widely adopted in the United States and globally and has been implemented into federal, state, and local government legislation, becoming standard practice in most leading architecture, engineering, and civil-engineering firms (Architecture 2030, n.d.). Rating systems, such as the Leadership in Energy and Environmental Design (LEED), exist to help building owners and operators be environmentally responsible and are well known and commonly used (U.S. Green Building Council, 2020).

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Preparing for Emergencies and Natural Disasters

Given the crucial nature of courts’ responsibilities related to maintaining the rule of law in all situations, the development of effective emergency management strategies and a continuity of operations plan (COOP) is essential (National Center for State Courts, 2019). As a part of the courts’ COOP, it is critical that the planning of court facilities address the possibility of natural disasters and other emergencies. Planning for unanticipated emergencies is necessary for both new and existing courthouses, and it should include provisions for both resilient court facilities and alternate facilities that may be used when the primary facility is not operational.

Adequate backup power and the location of critical infrastructure in safe locations promote resilient court buildings. For example, it is recommended that courts use cloud server platforms or locate server rooms on upper floors rather than basements to avoid flooding. Backup power generation requires a plan for when backup generators break or run out of fuel.

Courts are located along a spectrum of preparedness for alternate technologies and facilities available during times of disaster. Alternative facilities are characterized as “cold, warm, or hot sites.” These sites may range from having little or no preestablished infrastructure or hardware to having a copy at the secondary site of everything ordinarily available at the primary facility, including personnel, hardware and software systems, communications, and power. A court will have minimal downtime when using a “hot” site, though the cost of alternatives and the likelihood of emergencies such as hurricanes, earthquakes, and flooding must be considered.

Avoiding Security Threats

Court facility planning should aim to avoid security threats, both physical and cyber. Ways to avoid physical threats include exterior precautions such as setbacks around the building perimeter, the incorporation of blast-mitigation provisions, and thoughtful placement of windows in courtrooms and judicial chambers. The monitoring of both interior and exterior spaces is already standard practice in most facilities. Security queuing and waiting can be an additional stress for individuals who are feeling anxious due to their court-related responsibilities. Providing ample security-queuing space helps to minimize stress on those waiting to be screened and leads to better behavior and decision making. Cell phones are commonplace, and a procedure for keeping them out of courtrooms to protect witnesses, parties, and other people may involve storing phones until a visitor leaves the building. Smartphone lockers or sleeves are ways to secure those devices.

Design Response Map



Conclusion

Court management trends and operations cannot be fully implemented without the proper physical environment, and the design of courthouses can help or hinder the court's ability to provide service to the public. The following high-level planning and design opportunities exist to support court trends:

- reduce environmental stress for court staff and the public;
- consider the building's image;
- realign existing facilities;
- provide support space and amenities for self-represented litigants;
- reallocate and, in some cases, reduce the amount of space; and
- reduce the facility's negative environmental impacts.

As illustrated in the overall Design Response Map, major court trends result in tangible design responses that are needed to support and enhance their objectives. Several trend objectives converge into complementary design-related outcomes. The objectives are interwoven and move toward a common purpose, which is to improve service to the public by providing thoughtful and appropriate space, necessary and helpful amenities, an authentic building image, and an inspiring atmosphere.

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