

Justice Environments Network

Incorporating the Court of the Future Network

Justice Environments Network

March 2008

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The Justice Environments Network is a group of architects, engineers, psychologists, judicial officers, lawyers and others in Australia and New Zealand who work closely with court communities to improve the quality of justice environments. Our interests include both the physical and psychological setting of courts and tribunals, and also the processes and rituals of justice. We identify emerging issues, carry out research to work out how new approaches might work in the real world of the court, and disseminate information through a series of conferences and workshops. We have run two national conferences on court architecture, security and technology; plus four jury research and practice conferences.

From the Parthenon to the Prius: Tradition, Modernity, and the New Paradigm in Courthouse Design

The Parthenon in Athens was a temple to Athena, the Goddess of Wisdom, but the Romans borrowed the archetype of the temple to symbolize imperial power. During the Renaissance, classical forms were associated with humanist values, and slowly the form of a religious temple became identified with justice. Public buildings in the American colonies frequently used classically-inspired prototypes, whether embellished with ornaments in the Georgian manner or unadorned in the Federal Style promoted by Thomas Jefferson. By the late 19th century, Greek Revival, informed by a new archaeological interest, had become the dominant style for courthouses. Classical principles of monumentality and symmetry came also from the Beaux-Arts school in Paris, where many American architects trained.

The 20th century saw a move away from courthouses seen as grandiose public monuments towards business centres of the more austere International Style, with flattened surfaces, generic designs and more flexible spaces. Under Daniel Moynihan's leadership at the federal level, court designs increasingly embraced modernism. The public were to be welcomed rather than overawed, public spaces were redesigned to provide comfort, and the court became part of the urban fabric.

We are today at another threshold in terms of court design, where sustainability, and openness are the new keywords. Le Corbusier compared the Parthenon to the latest sleek 1927 automobile to illustrate the different architectural paradigms. We could use the Toyota Prius as our para-

digm for new courthouses, with its green architecture and efficient use of resources.

To better define this emerging tradition, it is useful to review a series of administrative and courts buildings, beginning



HCA/Cannon Dworsky
Federal Courthouse, Las Vegas

with Cass Gilbert's wonderful Court House in Newark, New Jersey. This monumental cube, sited on high ground with a broad stair at its base, stands as the culmination of the long classical tradition. It is solid, symmetrical, magisterial in its detail and overall form. In sharp contrast to this masonry volume, the John Joseph Moakley US Courthouse in Boston introduces a glass wall on the harbor side of the building. This atrium space, the major public circulation in the building, is transparent and highly visible, a signifier of the openness and accessibility of the institution. An important shift in the paradigm has occurred here. HCA/Cannon Dworsky's (continues on page 3)

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**Justice Richard Refshauge,
ACT Supreme Court**

‘There will be academic papers coming out of the experiment which will have valuable contributions to make to practice and the theory behind practice.’

Juries and Interactive Visual Evidence (JIVE) Project

After a year of preparatory work, the experimental trials at the core of the JIVE Project were held in January this year in the Supreme Court of New South Wales. The trials amounted to three presentations of the scenario (a criminal trial for murder following a terrorist bombing on a train at Redfern Station) involving interactive visual evidence.

In the first trial, interactive visual evidence was adduced by the prosecution for the jury but no judicial instructions about the nature and use of the evidence were given. In the second trial, the same interactive visual evidence was given but judicial instructions were given about the use which the jury could make of the evidence. In the third trial, both prosecution and defence used interactive visual evidence and judicial instructions were given prior to both pieces of evidence being adduced.

In the courtroom at each time, there were five jury panels; at the end of the trials, each panel left the courtroom separately to confer.

I was delighted to be part of the experiment. In what proved to be a prescient choice, I was asked to play the role of judge. As my commission had actually commenced shortly prior to the experiment (though I was not sworn in until 1 February 2008) I could say that my first judicial acts were in the Supreme Court of New South Wales in the rather more colourful robes of its criminal jurisdiction than I will now be accustomed to using in the ACT.

**Justice Richard Refshauge,
ACT Supreme Court**

For updates on JIVE visit:

www.justiceenvironments.edu.au/project-1



Rehearsal in King Street Supreme Court , Sydney

Editorial

What should a court building look like? The ideal courthouse form has changed numerous times over the last few centuries, as Meredith Brzdak shows for the United States. In Australia, classical and Gothic designs were increasingly replaced in the twentieth century by office blocks or re-imagined department stores, such as Mark Foyes in Sydney or Samuel Way in Adelaide. The current orthodoxy is based on the concepts of transparency, illustrated most dramatically in the High Court in Canberra, and accessibility, represented by the Collingwood Neighbourhood Justice Cen-

tre. However as Architectus Design Director John Hockings points out, all too often modern court buildings still look like fortresses. This is anticipated to change with the new Queensland Supreme and District Court complex, a building which also promises to lead the way in sustainable design.

A research project that is attempting to make justice processes more transparent and accessible is the ARC-funded Juries and Interactive Visual Evidence study reported in this newsletter. The JIVE team research group spans the fields (continues on page 4)

Being a JIVE Juror

The experience proved fascinating – our roles as jurors were clearly explained and the vast majority of us felt excited and privileged to share in an exercise which we hoped would be of some value to the legal profession.

The courtroom had good sight lines, so that the visual evidence was easy to follow. The verbal evidence proved somewhat problematic, due to a general complaint about the difficulty of adequately hearing all of the trial participants. Our judge, Richard Refshauge, was impressive and clearly audible. I found his repeated assertions that “the Prosecution needs to prove guilt ‘beyond reasonable doubt’; while the Defence is not required to prove anything” to be especially helpful in guiding

our jury deliberations. It gave our jury a framework for fair, rational discussion of both the visual and the verbal evidence, without influencing us to favour either guilt or innocence.

It appeared to me that jurors relied heavily on the visual evidence. Much debate centred on jurors’ ability to accurately recall both visual and verbal evidence. We had all heard exactly the same evidence a very short time previously and yet much disagreement arose over what had been said or showed in the courtroom.

Wendy Atmore, JIVE Mock Juror

Juries and Interactive Visual Evidence Project

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From the Parthenon to the Prius: Tradition, Modernity, and the New Paradigm in Courthouse Design (from page 1)

Federal Courthouse in Las Vegas, pictured on page 1, highlights the issues of natural light, transparency, and regional climate through a colossal shading device at the building’s main entry. This canopy filters the desert sun while allowing for glazed circulation space. Thus, the climactic response of the building is both functional and symbolic. Like Boston, this building engages an outdoor public space in a dynamic way.

In Richard Rogers’ courts building in Bordeaux, transparency has been used not only to provide usability of the interior but also to highlight the structure of the program. Here, the individual courtrooms are given a sculptural and material definition that highlights their symbolic importance within the building. These top-lit rooms are linked together with an expressive circulation system, allowing access and visibility in the public realm.

Thom Mayne’s Wayne L. Morse Federal Courthouse in Eugene takes this idea of programmatic expression and visibility to another level. Here, the well-mannered, glazed enclosure of the Bordeaux courts has been opened up, allowing the individual pods of courtrooms to spill out. The connecting fabric of circulation is given a plastic,

dynamic identity. While courts connections such as monumental flights of stairs and a street level, rectilinear volume are evident, the overall impression is of a mutable, fluid mass that interacts with its environment as the light changes.

The prominent features of these buildings – transparency for visibility and natural lighting; articulated program elements like courtrooms, again with natural light; a sense of open form that engages the surrounding environment; sunscreens and canopies that respond to local climate conditions – are some of the highly visible components of a green architecture. The use of green materials, efficient and alternative energy systems, and water management systems are other features that have been formally and expressively highlighted. Whether the Prius does become the new paradigm for court architecture remains to be seen, but it looks likely to become a strong competitor.

Michael Farewell, Michael J. Mills and Meredith Arms Bzdak

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This article is an abridged version of the original. For full text go to www.justiceenvironments.edu.au/cof-newsletters



Brisbane Supreme and District Courts Building by Day.

'The design is a radical departure from traditional court design, providing open, accessible and transparent spaces.'

Calendar of Events 2008
March 31-April 4 International & European Executive Research Court Tour

April 7-8 Executive Research Tour: South France

May 15 JIVE: Juror Feedback Session, Sydney

June 26-27 Australian Institute of Judicial Administration (AIJA) Law and Technology Conference, Sydney

August 14-17 International Society for Justice Research (ISJR) Conference, Adelaide

October 23-26 Australian & New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL) Congress, Sydney

November 25-28 Australian & New Zealand Society of Criminology (ANZSOC) Conference, Canberra

November/December Australasian Jury Conference, Location TBC

Courts for a Contemporary Justice System

Architectus has been appointed by the Queensland government to design the Brisbane Supreme Court and District Courts Complex following a shortlisted design competition.

Programmed for completion in 2011, which is the 150th anniversary of the establishment of the Supreme Court of Queensland, the design is a radical departure from traditional court design, providing open, accessible and transparent spaces in sharp contrast to the existing precast concrete courthouse.

"The result is a highly legible, crystalline building with outstanding sustainable design qualities," says Architectus Design Director Professor John Hockings, who describes the project as "simple, elegant and bravely uncluttered." He says the design jettisons the fortress-like approach of the old and introduces an extraordinary degree of transparency, openness and legibility. "These are quali-

ties," he says, "sought by a contemporary justice system."

The project has established a project-specific rating tool for environmentally sustainable design and will achieve the equivalent of a five-star green building rating, with a range of sustainability measures and notable for the use of double glazed cavity as an environmental filter.

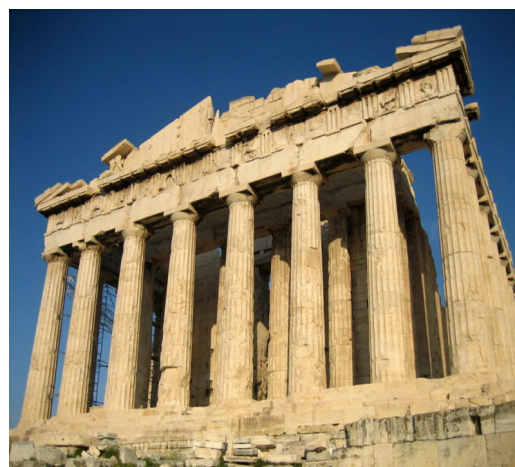
The design will contribute immensely to the urban realm of Brisbane, creating a major new public square as well as delivering a unique and environmentally sustainable home for Brisbane's judicial hub.

Jeff Drabant
Architectus Brisbane

www.architectus.com.au

Editorial (from page 2)

of architecture, psychology, forensic science, digital media, communication, law and criminology. Computer simulations, 360 degree panoscans, and eventually holographs will be routine forms of evidence in the courtroom of the future. But how can such evidence be introduced in a way that clarifies rather than overwhelms, and that is accessible to country lawyers as easily as big city lawyers? An experiment in the NSW Supreme Court attempted to answer this question, and we hear from two of the participants in the study, the judge and a juror. The study represents a cooperative venture between the AFP, prosecutors, judges and researchers, and is part of a growing trend for the planning of both court buildings and justice processes to be assisted by evidence-based research.



The Parthenon West Façade
Athens

David Tait
University of Canberra