



Our Title: Courtroom Design Can Influence Judicial Process

Author's Title: Architects of Justice: The Politics of Courtroom Design

Author: Linda Mulcahy

Year of Publication: 2007

Design Issue:

Purpose: This referenced position paper discussed design parameters for the courts in England as mandated by the *Court Standards and Design Guide* (2004) and their influence on process, procedure, participation by the public, and judiciary outcomes over time.

Rationale:

- Previous studies have focused on the exterior design of courthouses, not the interior of the courtroom where the justice is rendered. Likewise, an examination of the marginalized participation of the public in public trials has not been studied.
- The physical courtroom space has been politicized and may have an influence on judiciary outcomes, especially in context with diminished territory allocated for the public to view and participate in the hearing and to fulfill their historical responsibility as witness to justice rendered.
- Between 1972 and 1996, England experienced tremendous expansion in the number of courthouses (382) and multi-courtroom complexes (28). This expansion fueled England's development of the *Court Standards and Design Guide (Guide)* by the Department for Constitutional Affairs in 2004. The design of all courts are mandated to follow the prescribed layout templates, design guidelines, and materials and finishes recommendations.
- Segregation and surveillance relative to the position and control of the public is a direct outcome of the historical evolution of courtroom design, solidified by the Guide (2004).

Design Criteria:

The author identified the following design criteria:

- Consider the ramifications of courtroom design on participatory justice by the public through segregation and surveillance of the public.
- Be aware of the expansion of the bureaucracy of the court enabled via the design of the courtroom afforded the judge through zoning and elevated position.
- The ideology of fair, equal justice should prescribe the design of the courthouse; consider the use of materials that signal transparency (glass) though consider its possible negative effects relative to security concerns resulting from being observed.

InformeDesign identified the following design criteria:

- Be aware of the implied symbolism of all design decisions that comprise the interior of the courthouse, and especially the courtroom and their effects on all occupants who may consider them differently.



Key Concepts:

- The space-place dynamic of the courtroom encompasses universally applied design elements that influence the dynamics of the court proceedings. Partitions create separation (inside versus outside; who has access to which areas), platforms signal hierarchy of power and control (judge/magistrate), and the coat of arms (judicial seal) signals supreme authority.
- Current courtroom design includes spaces that have been zoned with access restricted between them. The jury is isolated, the legal teams' areas now comprise the majority of the courtroom space, and there is a specified area for the press. The area for the public to witness the proceedings has been marginalized to the back or side and has been reduced from space for 200 persons to stand (Victorian times) to 25 persons to be seated, currently.
- Courtrooms have been designed to intentionally overwhelm occupants to enhance the seriousness of the procedures; however, the theatrics of the courtroom have been found to negatively influence defendants at their own trial and/or to cause them to have difficulty testifying intimate details of their defense in a very large place.
- Defendants are contained in a "dock" towards the rear of the courtroom that is secured and utilizes obscure glass on the side facing the public for the protection of the defendant from the public and the security officers from the defendant.
- Until the late 19th-century when the English courts were centralized, courts were assembled wherever needed for a hearing by the funding entity (typically the police, municipality, or religious institution) and often occurred in buildings used for other primary purposes, like churches, manor houses, guild halls, and castles. Furnishings were simply designed and demountable for easy transportation.
- The public could come and go as it pleased, circulating between hearings often in adjacent, open public areas in a gallery or hall, and were often verbal participants in the hearing. Often the public could be intoxicated, considered dirty, and were victims of pick-pockets. As a result, the public began to be seen as disruptive to the proceedings of the court, perhaps the impetus for their eventual segregation.
- After the courts were centralized, the courthouses evolved to become permanent, public architecture and "custom" courthouses began to become the standard; design guidance first appeared in the early 20th-century. The interior space was no longer temporary and demountable; interior space was designed with fixed partitions, the beginning of the zoning of the space, now a standard practice.
- Space allocations down to the smallest design details for the courtroom and support spaces (offices, toilet facilities) are prescribed in the *Guide*, as well as the placement of people, namely, the judge, clerk, barristers and solicitors (lawyers), jury, and witness.
- There is some design discretion as to the location of the press and the public seating areas, though the public is typically in the rear or on a rear side of the courtroom, limiting the public's ability to hear or see proceedings well. The size of the press area has increased, whereas the space for the public has diminished, perhaps in response to the press increasingly being seen as communicator to the public and protector of free speech.



- Sightlines required by the *Guide* support surveillance of the public; the judge is granted height for visual access to all in the courtroom and to reinforce symbolic power and can be seen well by the public, though the layout diminishes the jury's ability for direct sightlines to the public to minimize the public's influence on the jury. Electronic equipment to communicate digital evidence is often placed without regard for the public's viewing.
- The *Guide* prescribes design approaches for areas (21) of the courthouse used by court staff (offices, archive, etc.) and a system of zoning to allow the judiciary and staff to circulate through the building without encountering the public who has been considered the source of chaos and uncertainty.

Research Method:

- This referenced position paper is grounded in a review of literature about the history of the English courts, focusing on the role and responsibility of the public as witness and participant.
- The *Court Standards and Design Guide (Guide)* by the Department for Constitutional Affairs (2004) is reviewed in context with its prescriptive approach as an influence on the marginalization of the public.
- Modification of participants' behavior and courtroom process and procedures are reviewed in context with design parameters and zoning guidelines.

Limitations of the Study:

- The author did not identify any limitations.

Commentary: A diagram of the standard criminal courtroom layout is provided. An in-depth exploration of courtroom layout and design from an historical perspective is provided through the literature review. The concept of judgecraft is explored. Issues of security and safety were not directly discussed.

Adapted From:

- **Author:** Linda Mulcahy, Birkbeck, University of London, UK.
- **Title:** Architects of Justice: The Politics of Courtroom Design
- **Publisher:** Sage
- **Publication:** Social & Legal Studies
- **Publication Type:** Refereed Journal
- **Date of Publication:** September 2007
- **ISSN:** 0964-6639
- **Volume:** 16
- **Issue:** 3
- **Pages:** 383-403
- **DOI:** 10.1177/0964663907079765



Summary Credits: Caren Martin and Denise Guerin

© 2014 Martin & Guerin Design Research, LLC

<http://www.mgdesignresearch.com>

Full article available at: <http://sls.sagepub.com/cgi/content/abstract/16/3/383>