september 2005

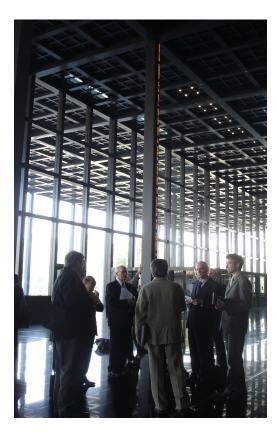
paris conference reflections



Dr David Tait
Co-ordinator
Court of the Future Network
Diane Jones
Principal Director
PTW Architects

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'an excellent summary of what we did and what we saw more than that, it captures the essential mood of the interactive and comparative venture on which we all embarked' Justice Margaret Wilson

foreword

The Hon. Michael Black AC Chief Justice of the Federal Court of Australia

'Court architecture and judicial rituals', an executive seminar held in Paris, Pontoise and Nantes for a week in September 2005, brought together a diverse group of people from six different countries, different legal systems and different professions. They were unified by their common concern, which was to create courthouses that would serve the public and which, through their high architectural quality, would also serve and promote the ideals of justice.

The week was an outstanding success in demonstrating, as it did, the importance of sharing ideas across national and professional boundaries. Ideas and experiences were shared across jurisdictional boundaries too - for here was a dialogue between architects, jurists, teachers, managers and administrators from both common law and civil law countries.

Architecture and the common good should be intimately connected, and nowhere more so than in the public buildings - courthouses large and small - that speak of the value a society places upon the ideal of justice according to law.

The reflections that follow are some of the many products of an exceptionally exciting week. Others may well emerge later, in the built environment of justice.









In September 2005 David Tait, Diane Jones and Bob Desiatnik led a one week executive seminar in Paris on 'court architecture and judicial rituals', with generous support from Ms Penny Wensley, the Australian Ambassador to France, and many French colleagues, particularly Mme Laetitia Brunin, the Deputy Secretary General of the Cour de cassation and M. Antoine Garapon, Director of the French Judicial Research Institute. It was attended by some 30 judges, academics, court planners, architects, sociologists and technology consultants from Australia, New Zealand, the U.S. and China. The seminar included guided tours of two recent courts, mock trials comparing French, Australian and Chinese practices, an art exhibition comparing Melbourne, Paris and Chicago courts, and exchanges with French colleagues on topics such as managing and financing court projects, security and new technologies.









program

Monday 19 September 2005

Palais de Justice, Paris

9.30am Introduction and welcome, Dr David

Tait, M. Antoine Garapon and Ms

Diane Jones

10.00am Special features of French Justice,

Mme Laetitia Brunin

11.15am Memorable court spaces, Professors

Judith Resnik, Graham Brawn

2.15pm Guided tour of Palais de Justice,

Paris

6.00pm Reception at the Australian

Embassy, hosted by Australian Ambassador to France, Ms Penny Wensley, viewing of watercolour

studies by Mme Noëlle Herrenschmidt

Tuesday 20 September 2005

Palais de Justice, Paris

9.00am Understanding judicial ritual

(interrogation of a murder suspect: a

simulation)

10.45am I French Approach
11.30am II Chinese Approach
2.00pm III Australian Approach
3.45pm Reflection and debate

Wednesday 21 September 2005

Palais de Justice, Nantes

10.40am Guided tour of Palais de Justice,

Nantes

2.00pm Observe hearings in selected courts3.30pm Meet judges, other court staff

Friday 23 September 2005

Palais de Justice, Paris

9.30am Special addresses by M. Guy Canivet

and M. Philippe Ingall-Montagnier

11.30am Security and safety issues, Professor

Graham Brawn, Dr Jay Farbstein

Thursday 22 September 2005

Palais de Justice, Pontoise

9.30am Guided tour of Palais de Justice,

Pontoise

EPPJP Offices, Paris

2.00pm Architectural futures for Paris courts,

EPPJP





participants

Mr David Bingham

Dept of Sociology, Liverpool , England

Chief Justice Michael Black AC

Federal Court of Australia, Melbourne,

Australia

Professor Graham Brawn

Professor of Architecture, University of

Melbourne, Australia

Professor Dennis Curtis

Professor of Law, Yale University, USA

Chief Justice Paul de Jersey AC

Supreme Court of Queensland,

Australia

Mr Bob Desiatnik

Translator, interpreter and language

consultant, Desiatnik & Associates, Sydney,

Australia

Dr Jay Farbstein

President, Jay Farbstein & Associates,

Los Angeles, USA

Dr Xiang Gao

Director, China Law Programs, and

Lecturer, School of Law, University of

Canberra, Australia

Justice John Helman

Supreme Court Queensland, Australia

Mr Jim Henderson

Technical Director, LawMaster,

Brisbane, Australia

Mr Arthur Hoyle

Lecturer in Law, University of Canberra,

Australia

Judge Zhengjia Jin

President Guangzhou Maritime Court

China

Ms Diane Jones

Principal Director, PTW Architects, Sydney,

Australia

Mr Guoxiong Liang

Service Centre for Judicial Affairs,

Guangzhou Maritime Court, China

Mr Stuart McCreery

Senior Associate, Evans and Peck,

Sydney, Australia

Justice Robert McDougall

Supreme Court of NSW, Australia

Mr Geoff Nicoll

Acting Head of School, School of Law,

University of Canberra, Australia

Professor Judith Resnik

Professor of Law, Yale University, USA

Judge Andrea Simpson

District Court of South Australia.

Australia

Dr David Tait

Co-ordinator. Court of the Future

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Mr Guosheng Tian

Supreme People's Court, China

Mr David Toohey

Managing Director, LawMaster,

Brisbane, Australia

Mr Dejing Wang

Supreme People's Court, China

Mr Ray Warnes

Acting Executive Director, Court Services,

Department of Justice, WA, Australia

Chief Justice Marilyn Warren AC

Supreme Court of Victoria, Australia

Justice Margaret Wilson

Supreme Court of Queensland, Australia

Justice Ron Young

High Court, Wellington, New Zealand

Mr Zhouhui Zeng

Supreme People's Court, China

Judge Xianwei Zhang

Deputy Division Chief, Guangzhou Maritime

Court, China

Mr Yili Zhang

Supreme People's Court, China



hosts

M. Guy Canivet

Premier président de la Cour de cassation, Paris, France

Mme Laetitia Brunin

Deputy Secretary General, Office of the Chief Justice, Cour de cassation, Paris, France

M. Antoine Garapon

Secretary General, Institut des Hautes Etudes sur la Justice, Paris, France

M. Jean-Paul Miroglio

Project Leader, Etablissement Public du Palais de Justice de Paris, France









hosts

Bordeaux

M. Lafossas

Cour d'appel de Bordeaux

Mme Isabelle Louwerse

Tribunal de grande instance de

Bordeaux

Paris Palais de Justice

M. Guy Canivet

Premier président de la Cour de cassation

M. Laurent Marcadié

Secrétaire Général du Tribunal de grande instance de Paris

M. Michel Savinas

Secrétaire Général de la Cour d'appel de Paris

Australian Embassy

Ms Penny Wensley

Australian Ambassador to France

Understanding Judicial Ritual - French Approach

M. Philippe Bilger

Avocat Général à la cour d'appel

de Paris

M. Joseph Cohen-Sabban

Avocat, Paris

M. Jean-Marie Fayol-Noirterre

(retired) Premier président de la cour d'assises

Nantes

M. Jean-Yves Guillou

Président du Tribunal

M. Stephan Autin

Procureur de la République

M. Hervé Brique

Vice-Président

M. Pierre-François Martinot

Juge

M. Phillipe Bataille

Directeur de l'école d'architecture de

Nantes

EPPJP

M. Jean-Paul Miroglio

Project Leader, Etablissement Public du Palais de Justice de Paris, France

M. Quang-Dang Tran

Director of Operations

Etablissement Public du

Palais de Justice de Paris, France

M. Henri Vichard

Director - PPP Program





Pontoise

M. Henri Ciriani

Architect, Palais de Justice

Pontoise

M. P. Tardif

Président du Tribunal

M. P. Salvat

Procureur de la République

Paris Palais de Justice

M. Philippe Ingall-Montagnier

Procureur Général près la cour

d'appel de Rouen

M. Guy Canivet

Premier président de la Cour de

cassation





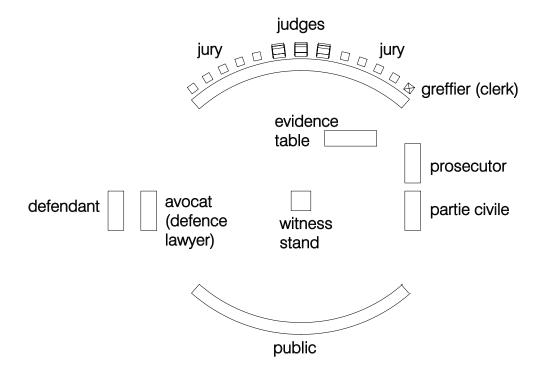
justice on trial

french court layout

'The mock trial session was the highlight of the conference. The French part was for me the most interesting, and made chiefly so by the French participants'

Justice Helman

The French criminal court layout is based on a circle or hollow square. The presiding judge, dressed in red, managed the procedure and led the questioning both of the defendant and the witnesses. Beside him were two other judges, and around them nine lay jurors (drawn in this case from the audience). In front of the judge was the evidence table and behind that in the centre of the courtroom the witness stand. On one side of the judge sat the prosecutor; alongside a place for the lawyer representing the victims. On the other side of the empty well of the court was the defendant, placed in a glass enclosure; while the defence lawyer sat directly in front. The French procedure was a colourful and emotional display. with both the presiding judge and defendant playing a more active role than their counterparts in the Common Law world.





'the conference reinforced very heavily the relationship between court design and trial process. That is of course a two-way relationship, in that the trial process necessarily influences the design and layout of the court space; but at the same time, the court space itself will have a shaping effect on the conduct of the trial'

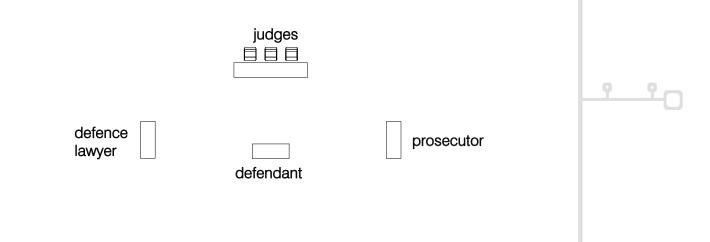
Justice McDougall



justice on trial

chinese court layout

The Chinese criminal court places the defendant at the centre of the room directly in front of the panel of three judges. The defendant was questioned by the judges, but the procedure was more adversarial than the French approach with the prosecutor and defence lawyer both having a major role in presenting evidence. The Chinese mock trial was presented by judges from two maritime courts assisted by a member of the Paris Bar. The script was the same for all three styles of trial - murder in a warehouse by a homeless man, based on an actual trial observed in a Paris suburban court -- modified according to the rules of each system. While the French trial involved the prosecutor trying to draw out the human side of the defendant, the Chinese trial involved a long admonition by the presiding judge. Unlike the French and Australian procedures, there was no jury, and no flamboyant displays by prosecutors or lawyers.





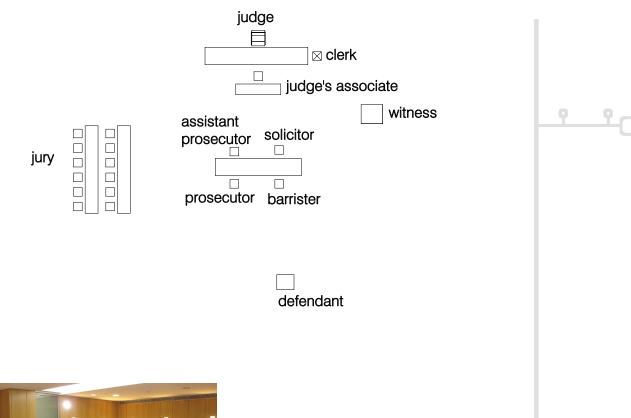




justice on trial

australian court layout

The Australian mock trial used the Victorian court layout, with the defendant at the back of the room in a dock. The participants agreed that this is not an ideal location to best represent the presumption of innocence. Meanwhile the 12 jurors were squeezed along one side of the courtroom, and the single judge enjoyed unused space on a bench designed to accommodate two colleagues and lay jurors (and a hefty dossier). The empty well of the French courtroom was filled with a makeshift bar table. The prosecutor was taken down from the elevated position he occupied in the French procedure, and given a position of equality with the defence lawyer. The public now saw talking heads rather than the faces of the parties. Unlike the other two procedures, the judge was the neutral umpire, trying to control the excesses of the two lawvers. Much of the time in this trial was taken up with the examination and cross-examination of the defendant. His life and personality, so central to the French trial, was largely missing. The audience were divided about whether they preferred the architectural inclusiveness of the French circle, the centrality given to the defendant in the Chinese approach, or the equality of arms represented by the Anglo-Australian court layout.







waiting for justice
enlightened spaces
leading questions
beyond the court
flexible futures
new symbolism
feeling secure
advanced technology



One distinctive feature of French courthouses is the generous spaces set aside for salles des pas perdus, large entrance halls where sounds echo in concert with the play of light and shade. The waiting area outside some of the new courtrooms in Pontoise is designed at a more modest scale and distinguished by seating which provides privacy and specific areas for people in wheelchairs. With increased concern for security, waiting outside court buildings can result in long queues, such as the one shown here outside the Palais de Justice in Paris. The poster acknowledges that justice can be slow, and tells the public what the government intends to do to reduce queues and avoid unnecessary waiting.

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Natural lighting from above is a standard design principle for French courts. Rarely does justice stream from above so magnificently as in the new Bordeaux courthouse; even tiny courtrooms have high walls leading up almost to infinity. In Pontoise the light streams in from several angles, giving a sense of openness and diversity. Meanwhile in the monumental salle des pas perdus of Nantes, light plays across the expressed frame leading the visitor slowly into the building. Most of the party felt more comfortable in the sunny open court environments at Pontoise than in the more austere beauty of Nantes.



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Finding your way around is not always easy in a new building. In Nantes, the restroom doors blend almost imperceptibly into the walls. In Pontoise, each courtroom's daily list is prominently placed under the court number, while the brightly coloured curving rail directs the court user to the staircase. In Nantes, colours are carefully chosen to create moods and distinguish functions – red for criminal matters, white for children, grey for court officials. In Pontoise the colours are less constrained, and give an almost joyful vibrancy to the building.

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Court buildings may sit harmoniously in their settings, but they may also stand out from them as a reminder that the law is above local politics and is to be applied consistently. In Pontoise the new court nestles comfortably alongside the old town, retaining the intimacy of the narrow streets. In Nantes, the court confronts and frames the town across the river to which it is joined by a footbridge. Meanwhile in Bordeaux, the street-like corridor of the court seems to reach out to join the city.

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The court experience involves making hard choices but opening up new possibilities. This powerful tapestry in the Paris children's court, commissioned during the Vichy era, reminds youthful defendants that they are confronted with a choice between virtuous behaviour and the horrors associated with a criminal lifestyle. Court buildings also have to be amenable to change – 'one noticeable feature of the court at Pontoise was an operable wall separating a large courtroom and a small courtroom, and enabling them to operate together as one large courtroom when required' (Justice Mc Dougall). The architect for the new counter-terrorism courtroom in Paris (within an existing heritage fabric) designed a spiral staircase to give access to a gallery from a very constrained space.

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Older courtrooms convey their messages with statues, blazons, paintings, and other artistic embellishments. This provides continuity with the former use of some of these lavish settings as royal palaces. Newer courts in France eschew explicit symbolism, and try to show through careful design, appropriate scale, use of light, and other architectural features the function of the spaces. One of our participants commented that in his view 'the absence of symbols of authority (in the new courts) . . . was a mistake.' In a country whose modern system is characterised by the Civil Code, words play an important symbolic purpose. In Nantes, statements about human rights scroll up and down the pillars of the salle des pas perdus. In Pontoise, aspirations about justice and the law are placed prominently above the judge, giving a visual reminder to court users that the judge operates under the law.

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One of the most secure places in a court buildings is a holding cell, such as this one in Pontoise. However the defendant also has a right to a day in court which involves seeing and being seen, resulting in the use of glass enclosures or cages, seen in its extreme form in this special anti-terrorism courtroom in the Palais de Justice, Paris. The austere design of the Nantes courthouse was described as 'somewhat menacing' by one of the participants – reducing rather than increasing the feeling of safety. For the public, the sturdy columns of the Palais de Justice appear to offer a guarantee of permanence and safety, with the reminder of the republic's commitment to liberty, equality and fraternity – arguably the best form of security – carved in stone.

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Magnificent old courtrooms can easily adjust to new technologies, with ornate furnishings sometimes providing excellent camouflage for new wiring. Slim laptops set within shallow drawers are imperceptibly integrated within the joinery. Plasma video screens are increasingly appearing in courtrooms (such as those in Pontoise) and are allowing courts to improve their communication capacities.

a hushed place

The Hon. Marilyn Warren AC Chief Justice of Victoria

There are some special courtrooms that provide a gracious space and exude quiet majesty.

The Cour de cassation of the Palais de Justice in Paris, France, and the Thirteenth Court of the Supreme Court of Victoria, Melbourne, Australia, create such an aura.

Both courtrooms are reached from a busy street into an iconic sandstone building, past security and up old, well-worn stairs. The corridors are quiet and old. A feeling of anticipation surrounds the nervous advocates and parties milling around the doorways.

To enter, one must push a heavy door. Suddenly, the entrant steps into a different environment – a hushed place.

The Cour de cassation is lined by advocates' desks on each side. On one side, the

Paris courtroom is awash with sun streaming through tall windows, saturating the advocates immediately below. On the other side, the advocates are backed by sandstone – the viscerals of the building.

I wonder – do the advocates seated under the inner wall shudder at the morning brilliance illuminating their opponents, or, do the illuminated feel intimidated by the sturdy yet majestic backdrop of the sandstone which sets their adversaries' stage?

The Melbourne courtroom exudes an experience of glowing light. Warmth radiates from the gentle yellow walls reflecting the brilliant, large chandelier hanging under a recessed dome of pastel colours flanked by carefully highlighted classical columns and cornices. There is a



sensation of being uplifted into a different place, up from the regal red carpet and the long cedar and leather in-laid benches and the heavy cedar of the judge's bench.

In both Paris and Melbourne, the palpable sense of location and movement creates a formalised and staged setting.

In the Paris courtroom the Court of Appeal sits on a slightly raised platform. The Court presides over the ample space of the room flanked by the advocates' benches and closed off by the litigant's bench. A quadrangle is created above which the Court floats. The judges are close to those in the courtroom, but at the same time distant. There is an intangible barrier: the judges are untouchable; they are not to be approached.



a hushed place

The location of each courtroom participant in the setting of the formal quadrangle formed by the natural elements of wood and glass creates a hushed space where the law listens and the law speaks.

With a different symmetry, the Melbourne courtroom (originally built as a judges' library) creates a hushed place also. Rather than a quadrangle the courtroom setting is wide. The judge or judges sit at a very high cedar bench looming over the stations where court officials sit and, most importantly, the witness box. Justice is played out in rows: The judges look out at the advocates who are placed at a single wide table, behind which is an identical wide table for those instructing the advocates. In both courtrooms, advocacy is the official language: There are special, large lecterns for advocates when addressing the court, emphasising that each word spoken is important. The microphones, the crude modern additions to an antique

room, are strategically located at the pre-determined location of each participant – the advocate, the witness, the judge. No-one else may speak in these courtrooms unless situated at a special location with a microphone.

The acoustics are imperfect and the judge might need to lean forward to hear. All of this contributes to a sense of a hushed place where the law listens and the law speaks.

The courtrooms in Paris and Melbourne are not places of people; they are places of justice. They are not regional or magistrates' courts. Their status is reflected by the reliance on strong use of light and wood and formalised location arrangements and control of sound. In these hushed places few are not intimidated by the power of the law.





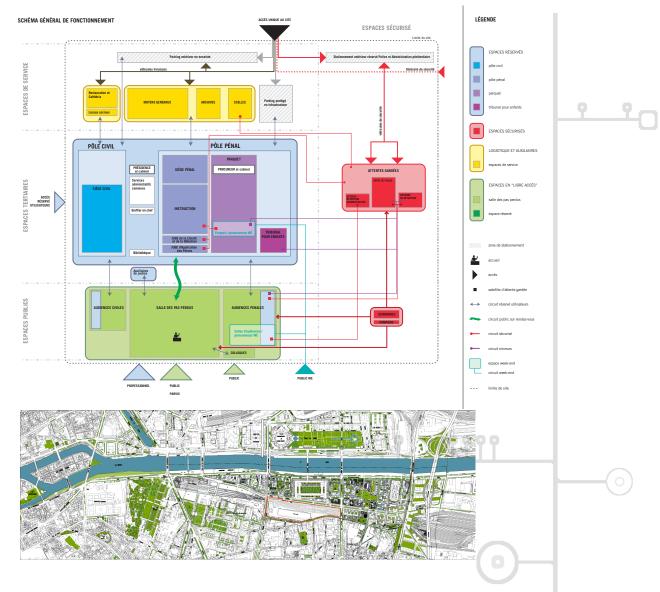


a new court for paris planning procedures

The construction of the new Paris courts complex is an ambitious project covering 100,000m², in effect doubling Paris' current courthouse floor space. The Tribunal de grande instance de Paris which will be accommodated in the new complex will enjoy leading-edge technology. The building will house 22 criminal hearing rooms and 47 civil hearing rooms, as well as providing office facilities for 450 judges and state prosecutors and approximately 1,500 court staff.

The complex will be erected in Paris' 13th District, across from the National Library, at the conclusion of an international design competition.

The EPPJP (the Paris Courts Construction Agency) will also carry out the renovation of the historic courthouse located on the lle de la Cité, ensuring adequate accommodation for the Court of Appeal and the Cour de cassation.



sharing across international boundaries

multi-disciplinary

Judges, academics, architects, sociologists, court planners, technology consultants and others brought their varied perspectives together to make sense of the court buildings and judicial rituals that were studied, observed and analysed during the visit. Judges could compare the way case management systems worked in France with their own for civil cases, or the size of judicial chambers. Architects were impressed by the expressive power and generosity of the public areas and courtrooms. Participants learned from each other as well as the French speakers and hosts.







sharing across international boundaries

interactive

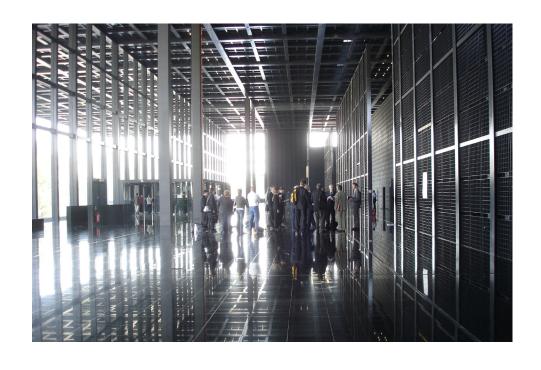
Participants were very active - they walked around, touched, observed, and experienced. They sometimes sat down and discussed what they had just seen, but in general it was a 'hands on' event. They saw two of France's finest new court buildings, one accompanied by its architect, and another with the assistance of a local professor of architecture with specialist knowledge of the building. They participated as jurors on a French jury, and judges or lawyers in an Australian one. They took part in an architectural jury using real models of proposed courthouses from a recent competition. Debates about security took place in cells, in a counter-terrorism court or at a building entrance. This style of learning is engaging, effective and makes best use of limited time.



sharing across international boundaries

international

The conference is a small step to building stronger understandings between participants in the justice systems of France and Australia/New Zealand. Inspired by Antoine Garapon's work on judicial rituals and insights about court architecture, the Court of the Future Network invited Antoine Garapon to Australia in 2002 for the Representing Justice Conference. Katherine Fischer Taylor, an architectural historian from the University of Chicago and a key contributor to debates about court architecture, also came to the 2002 conference in Canberra. The organisers believe that sharing ideas between participants from different national traditions allows them to benefit from the insights of others, but also to appreciate the special features of their own styles of justice. As criminals and policing become more international, courts are increasingly required to strengthen their understanding of international law, and to think globally.



further productions

A special book comparing the experience of court life in Melbourne, Paris and Chicago is being prepared by Noëlle Herrenschmidt – the exhibition of her watercolours at the Australian Embassy in Paris was a highlight of the Paris conference. The book, to be published in France, will be bilingual, with text written by Antoine Garapon, Katherine Fischer Taylor and David Tait. If your organisation is interested in sponsoring this book, please contact us.



The watercolours shown here are reproduced with kind permission from the artist Noëlle Herrenschmidt (pictured left). If you would like permission to reproduce these images please contact Jean-Claude Herrenschmidt, jc.herrens@wanadoo.fr



Parramatta District Court, Sydney Noëlle Herrenschmidt ©



Commonwealth Law Court, Melbourne Noëlle Herrenschmidt ©



further productions

The Court of the Future Network, together with the University of Melbourne Law School, held a conference on Justice Environments in Melbourne from 20th - 22nd April 2006. The conference aimed to build on the themes explored in the Paris conference, highlighting some of the best recent court architecture in Australia, debating security and the uses of emerging technologies, and looking at the uses made of older courts. Particular attention was paid to the psychology of justice - how to promote psychological safety in the courthouse, and how to communicate appropriate messages through careful design. Keynote speakers included Henri Ciriani and Jean-Paul Miroglio, whom we met in Paris in September 2005, as well as Victorian State Architect John Denton and West Australian poet, John Kinsella.

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A future international venture is proposed for 2008, to visit selected international and European courts. Organised jointly with Antoine Garapon, this seminar will explore differences between Common Law and Civil Law traditions and how the traditions come together in a hybrid form in the architecture and judicial rituals of international courts. The seminar will bring together judges, architects, court planners and others from Australia and New Zealand, France and Canada. Please contact us if you are interested in participating in this event.





afterword

The Hon. Paul de Jersey AC Chief Justice of Queensland

The conference illuminated the reality that while utilitarian issues are important to court-house design, there is something else which can transport the finished product to the realm of the truly memorable if not almost ineffable: and that is, architectural vision and imagination. Their play cannot be subordinated to bureaucratic, engineering, or for that matter, judicial concerns.

It was enlightening, and beyond that uplifting, to hear from both noted French and Australian architects, and also, to hear the reflections of the Judges and other participants as fostered and inspired by those architects.

From the historical and palatial grandeur of the Cour de cassation, to the contemporary and uncompromising simplicity of the courts at Pontoise, we came to identify what matters most in this area of design, and how these days it can best be achieved. Any jarring between the actual delivery of justice according to law – which is assured, and the physical surroundings in which that precious commodity is delivered, would be disappointing and unacceptable. The physical presentation of courthouses should enhance, certainly not diminish, public perceptions of the primary significance of the work of the courts, and, more abstractly, of the centrality of the rule of law.

The conference helpfully traversed a host of issues, and particularly, maximizing the transparency of the judicial process in this 21st century and beyond. Many participants, including me, ranked this among the best, most helpful professional conferences they had ever attended. The organizers have our warm gratitude and congratulations.





credits

Contributors:

The Hon. Michael Black AC Chief Justice of the Federal Court of Australia

The Hon. Marilyn Warren AC Chief Justice of the Supreme Court of Victoria

The Hon. Paul de Jersey AC Chief Justice of the Supreme Court of Queensland

The Hon. John Helman Justice of the Supreme Court of Queensland

The Hon. Robert McDougall Justice of the Supreme Court of NSW

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Diane Jones Principal Director PTW Architects

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Warm thanks to:

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