

**OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
TOMORROW'S COURTHOUSE
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HOSTED BY: LISA T. MUNYON**

(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now here’s your host, Chief Judge Lisa Munyon.

CHIEF JUDGE MUNYON: Hello, and welcome to Open Ninth. I’m here today with Allison McKenzie, the Senior Architect at the National Center for State Courts. Allison received her bachelor’s degree in architecture from the University of Arkansas in 1997, and for the last 25 years she has facilitated a variety of project types including programming, master planning, conceptual design, and construction documentation. In 2017, she joined the National Center for State Courts where she currently leads a conversation on future courthouse design.

I’m thrilled to speak with you today, Allison. Thanks for joining me.

ALLISON McKENZIE: Thank you. I’m excited to be here.

CHIEF JUDGE MUNYON: So tell me a little bit about yourself before we get started into the meat and potatoes of this discussion.

ALLISON McKENZIE: Okay. Sure. Like you’ve already said, I’m an architect. I’ve, you know, had the benefit of working in different cities nationwide. Most recently, I’m located in Denver. That’s where our National Center for State Courts Consulting Division is located. And I’ve spent the past, you know, I’d say over five years, probably seven or eight years at this point, really focused on courthouse architecture.

Prior to joining the National Center, I was working as an architect on a courthouse project, and the National Center, they were our consultant on the project, and so that’s how I was connected there. So I’ve really been focused, you know, for quite a few years, and I’m finding courthouse architecture to be really interesting and complex.

CHIEF JUDGE MUNYON: So how did you acquire an interest in architecture?

ALLISON McKENZIE: I was thinking about that recently, and trying to remember.

You know, it's funny, looking back, I've always been a visual person, even when I was younger, you know, I was always rearranging furniture. I felt like I was very aware of my environment. I was always trying to create that feeling of balance and comfort.

And then when I was in college, I was in an art class, and at that time, you know, I was aware of architecture but I didn't really know what it meant professionally. So I had a professor who encouraged me based on the type of drawing that I was interested in. He told me that I might consider it, so I did. And in hindsight it makes perfect sense because my father is an engineer and my grandfather was a builder. And they're both craftsmen. So, you know, it makes sense but I didn't have that hindsight at the time.

CHIEF JUDGE MUNYON: So you got your -- you acquired your interest in courthouse architecture through working on a courthouse project.

ALLISON McKENZIE: I did.

CHIEF JUDGE MUNYON: I can only imagine how complex a task it is to design a public building that conceivably could be in use for 75 years or more with the pace of change that we're seeing in all phases of society.

So tell me a little bit about how courthouse design has changed over the years.

ALLISON McKENZIE: Um-hum. That's such a good question, and it's just like it's the question of the moment. This is something that I'm thinking about on a regular basis on almost all of the projects that we're consulting on now.

So, Judge, you nailed it when you talk about the complexity of architecture. Because, you know, if we think about it, even before the pandemic and even before this time of immense

change, you know, it's a tall order, especially when you're designing a courthouse because it's -- you know, the courthouse has to function efficiently, it has to have an inherent logic, has to have order to it, has to keep occupants safe, it has to support different types of occupants. You know, you have your in-custody folks who are there, you have the public, you have court staff.

And then the courthouse architecture has to convey the values of its community. You know, it's an outward expression of justice. And then the thing has to stand up, and to your point has to have a decent lifespan of at least 50 years often. So there's already a lot to think about. And then when you layer in all of these innovations that we're learning as a result of the pandemic and how court operations have really embraced change quite rapidly, it's an interesting mix.

And I think that courthouse architecture in particular is intriguing because courts want to often be viewed as modern but they still have a foot firmly rooted in the past. And there's this emphasis on precedent. And so when you think about precedent, you know, that's a real challenge when it comes to innovation because they're sort of two competing things.

So as an architect, like what do we do, we listen to the needs of the court. Oftentimes we look to other industries for what they're doing that's innovative because courts are often behind when it comes to innovation. And then what we do is we try to take away those things that are working in other industries that may be applicable to courts and we figure out how to integrate that into how the court's doing business. And from a planning and design perspective, we then assess like how can the design of space enhance the operations and help them to be more effective.

So right now, with all of the newness that's happening, that's kind of where we are. You know, right now, we're conducting a lot of research. We're trying to figure out like what -- how

do we meet the need for courts, how do we support these innovative operations. And we're finally beginning to see where it's starting to manifest, at least from a design standpoint. I haven't seen anything rolled out in its built form yet, but everyone's thinking about it.

CHIEF JUDGE MUNYON: I've had the benefit of having practiced in many different courthouses, and even different courthouses within our circuit. And the practice of law over the past -- especially over the past 15 years, but over the past 30 years of my career has changed significantly.

When I started, we didn't have computers and we had cards that we kept up with, and we had filings. And it has changed to the point where all of the court records are now in computer servers. There are no paper files anymore. And that has got to change, I suspect, how you view the courthouse space, the space inside the courthouse and its function.

ALLISON McKENZIE: Um-hum. Absolutely. What you're pointing to is a really good example of -- that I think most people can visualize it. You know, you think about e-filing, for example, and when all of these documents become electronic, you know, the first thing that comes to mind is, okay, we don't have all this paper anymore. So then what does that mean for record storage? It might mean that there is a substantial amount of space in existing buildings that could be captured and reallocated to meet a more current, pressing need.

And then when you think about new construction, that may be space that doesn't even have to exist anymore. And a lot of people are not aware of how much it may cost to build a courthouse. You know, courthouses are often one of the most expensive endeavors that a jurisdiction can take on -- or especially one of the most expensive built projects.

And we did a study -- well, it wasn't a study. We produced our -- every ten years we do a publication called *The Retrospective of Courthouse Design*, and it looks back over the previous

ten years. And we collect a lot of data. And part of the data that we collect is about project and construction cost. And so if -- you know, we did some analysis and just ran some numbers, and if you take just the average construction cost, which we know varies regionally, all over the country, you're around \$400 a square foot, and that's the average.

So when you think about what it might cost to build on the coast, that's typically even more expensive. So when you're looking at -- and that's just construction cost and not project. So when you think about how all this -- these numbers get compounded, you might be at \$700 or \$800 a square foot. And when you think about space allocated just to store paper, we're talking about potentially millions of dollars in savings depending on the scale of the project, which is substantial. Because when you get to that point, it could be a matter of can the project even -- is it even feasible or not from a budget standpoint.

So that's just one example of the innovations that we're seeing. And I mean I realize e-filing is not new. That didn't happen because of the pandemic. But I think that more and more courts are interested because they're realizing that, as much as possible, information needs to be electronic. Because when it's electronic, there is more room to respond to emergencies, to pandemics, to shift gears, to work in different ways.

So, yeah, that's a great example of one huge impact.

CHIEF JUDGE MUNYON: And one that's been going on for quite some time.

ALLISON McKENZIE: Yes, ma'am.

CHIEF JUDGE MUNYON: The pandemic also has changed how we work. Many courts were doing some type of hybrid proceeding before the pandemic, but that became almost universal during the pandemic. Do you see that having a significant impact on courthouse design in the future?

ALLISON McKENZIE: I do. And I think the impact can vary. You know, courts are different from state to state, from jurisdiction to jurisdiction. So the degree to which a court will embrace technology, you know, it -- what we propose have to be nuanced so that it's supporting what -- how that court needs to operate.

But I think, like, from a big picture standpoint, I see, and we are seeing on projects that we're working on, that hybrid proceedings can definitely impact the amount of space that needs to be allocated for adjudication.

There -- I'm working on a project right now where in -- you know, they have a shell space on the top floor of their existing building -- the building's about ten years old -- and instead of building out a full traditional courtroom that matches all the courtrooms, you know, it's a cookie-cutter floorplan, all the courtrooms below, we're looking at, okay, how can we fit out these new hybrid adjudication spaces and what does that look like and what -- you know, in a real simplistic way, essentially, we are able to fit two hybrid adjudication spaces in the footprint of what was one traditional courtroom. And so that's really interesting.

And that's not even the whittled-down version. And I say that because these hybrid spaces that -- for this project, you know, they still have quite a few participants in them. And we're looking at them in terms of when they're not used for adjudication, can they be used for something else. So we're really exploring like is there a flexible use, and we're finding that maybe there is.

So by not having built-in furniture, and by furnishing these rooms more like a conference style where you can kind of move smaller tables in different configurations, we're meeting the needs for flexible meeting space where you can fit 20 or so people in a room and also

reconfigure them for adjudication where you can still have counsel present, you could still have a witness present, you know, your clerk, your reporter.

So when I say whittled down, some courts might decide that in their hybrid space they don't even need all of those people. So there's different degrees of -- we're learning of what hybrid could be.

CHIEF JUDGE MUNYON: And then there are the completely virtual spaces where you might not have to have anybody physically at the courthouse at all.

ALLISON McKENZIE: Absolutely.

CHIEF JUDGE MUNYON: Like whether it's the judge, the clerk, or the court reporter, or the participants.

ALLISON McKENZIE: Absolutely. You know, we -- part of what we do when we work on these courthouse planning projects -- a big piece of what we do is we analyze data to understand and help to forecast what the space needs may be for the court 20 years down the road, for example, 10 years down the road. Because, you know, when you're planning these projects, you're thinking about the future. You're not thinking about today. You're trying to figure out, like, okay, what might things look like. And interesting -- what we realized is that we have to -- how we forecast space may look different.

So traditionally, you know, we might take case filing data, we might take population demographics, and then input from the court, and we might analyze those numbers and come up with, you know, how many courtrooms you may need in 20 years. Well, you could do that when everything was in person. But when you start thinking about hybrid space and virtual proceedings, it's a little bit of a game changer because then you're like, okay, so then what's the data, how do we quantify this.

So what we did was we started studying not just case types then, you know, as a grouping. We started, like, diving in and looking at what are the events in the life of a case and really evaluating, like, on these specific events, arraignments, you know, pretrial matters, status review hearings, you know, all the different steps, what out of those could be effectively conducted, you know, in a hybrid proceeding or a virtual proceeding.

And we start to look at that and we start to figure out like what percentage of those cases could be. And really that helps us to think about in the future, you know, do we need to build everything out like we did ten years ago. So it's super interesting stuff when you start thinking about the data and how we derive all of our planning considerations.

CHIEF JUDGE MUNYON: And I imagine that is made even more difficult because you don't know what data you'll need in the future because you don't know what the future holds with regard to technology and court proceedings.

ALLISON McKENZIE: Exactly. That's right. That's right. And technology changes so rapidly. And so one of the reoccurring things is flexibility, I think. It's this agility that I think a lot of courts didn't have pre-pandemic. That ability that I mentioned, you know, to shift gears whether it's court staff and how they work, but also when it comes to adjudication.

We know that all proceeding types are not appropriate for hybrid and remote proceedings, but a lot of them are. And it's kind of amazing how, you know, the conversations that we're having with courts now are so different than the conversations were pre-pandemic. Because it's really difficult to say that certain things don't work because now we can look around and we can be like, but it's working over here.

CHIEF JUDGE MUNYON: Right. So there are some things, as you said, that have to be done in person. You know, jury trials, I can conceive of ways to do them virtually, but I think

it will be a long time before we at least routinely see jury trials done virtually or in a hybrid setting.

And in the pandemic we found that a lot of our courtrooms didn't allow for, you know, potential jurors to be separated a sufficient amount of space. I know that when I put them in my courtroom for jury selection, they are shoulder to shoulder.

ALLISON McKENZIE: Um-hum.

CHIEF JUDGE MUNYON: And do you see that being a problem in the future? Do you believe that courts or counties will have to address how closely they pack people in when they bring them in?

ALLISON McKENZIE: You know, it's hard to say. I mean, for one thing, I can't say, no, that won't be an issue, because we're living it. We just lived -- it was an issue, it can happen again. And in buildings that are existing buildings, I think, especially historic buildings, you know, it's going to be a challenge because traditionally those spaces tend to be smaller. I mean, I'm generalizing but, you know, like more cookie-cutter.

CHIEF JUDGE MUNYON: Right.

ALLISON McKENZIE: I think we will probably see in modern, new court facilities that are constructed post-pandemic, like I said, a lot more flexibility. So it -- you know, one way to overcome what you're describing could be, you know, if there is an emergency for a period of time, maybe when you have large groups of people it may not be able to be in the traditional courtroom. Maybe there's a different type of space that's this flex space, you know, that can be whatever it needs to be to help courts during an emergency.

But one thing that is intriguing to me -- and I know this is not possible for all courts, but when it comes to juries, I know that in King County, Washington, for example, they are doing

some really innovative stuff when it comes to jury orientation and even jury selection. And they are doing everything online. And they started doing this, I believe, during the pandemic, and what -- from a planning standpoint, what is super interesting is that, I believe, if I understand -- I hope I don't get this wrong. But what they're doing is, you know, they're doing their orientation online, they're doing their selection online. So by the time the jurors arrive at the courthouse, they know exactly what courtroom to go to so they report right there.

And when you think about that, it's bypassing the need for a jury assembly space --

CHIEF JUDGE MUNYON: Right.

ALLISON McKENZIE: -- which is fascinating because in -- especially like in these big courts, I mean, a jury assembly space could be 3,000 square feet. And you put that in the context of what I'd mentioned earlier with the cost per square foot, again we're talking about millions.

So I'm not advocating for getting rid of jury assembly or anything. I just think it's interesting that this new flexibility opens up new opportunities to think about what types of spaces are important to support the initiatives of the court and how the court wants to work.

It would be really unfortunate to design a big jury assembly space in a new building to find out that while the building was being constructed the court decided to do everything online and they don't need it. So, you know, there's a lot to think about and there are a lot of opportunities.

CHIEF JUDGE MUNYON: I know in some of the reading I've done that courthouse design can enhance public trust. Tell me about that.

ALLISON McKENZIE: I think that one way is when you think about the image of the courthouse, you know, the courthouse has always been a symbol in the community. It conveys the values of its community, and it also conveys a concept of justice. So for example -- and you

can look at the evolution of courthouse architecture over the years. Courthouses look a lot different now than they did a hundred years ago.

One example would be the notion of transparency. And if you, you know, look at some of the more modern courthouses -- and you can see this in *The Retrospective* book that is online on our website -- if you flip through that you can see that there tends to be an emphasis on transparency because that sends a message, you know, that it's a symbol of how the court views itself. And so I think that's just one example.

Another could be -- which is not such a, you know, direct example, but providing amenities for the public and making sure that there is public access in the courthouse. Thinking about the convenience of the public, you know, there are some aspects of customer service that don't have to be in the courthouse.

So -- and I don't know, you all may already be doing this in your jurisdiction, but for example kiosks available in libraries, and some paid kiosks can be available in grocery stores. You know, bringing service to the public in really thinking about what they need. You know, it's not easy for everyone to take off work and to find child care. And so I'm seeing a shift there. And I think that -- you know, that's not as obvious as the transparency example, but I think that is a way to build trust.

CHIEF JUDGE MUNYON: When you are considering designing a courthouse, how do you measure the success of that project? What factors do you look at?

ALLISON McKENZIE: Well, I think that depending on what your -- a person's professional role is in the project, success looks different. There's success when it comes to bringing a project in our budget. There's a huge amount of success even getting it done at all, because it takes a lot. It takes a lot to even get a project off the ground.

There is -- you know, success can be defined by -- from the user's standpoint, you know from the court's standpoint; are they able to function the way that they need to, and do they feel that the courthouse is providing them an effective environment for what they need to do to conduct business.

I mean, how many times have we, like, been to a courthouse project that's relatively new and you're walking through the corridor and you see, like, card tables set up where people -- you know, different advocates and different departments are sitting out in the corridor because maybe somebody didn't think about, you know, a certain functional need. So there's that evaluation.

And then I think there's something that is bigger than just the court that I think is important, which is the environmental impact of the court and -- or, excuse me, of the courthouse project. You know, something that a lot of people don't know is that the built environment is one of the largest consumers of energy and producer of greenhouse gasses. So the urban built environment is responsible for 75 percent of annual global greenhouse gas emissions, and buildings account for 39 percent. That's huge. So there's a responsibility there.

But one thing that I see that brings me a lot of hope that is really exciting is that I see a lot of the initiatives that are happening in court having synergies with initiatives that are going on in the architecture and building industry. So you think about green building, right -- and it would go back to our e-filing example that we talked about earlier, getting rid of paper. I mean, those two -- I mean, those are two radically different initiatives, but they're synced up and they complement each other. And I see this all over the place, and that's promising.

CHIEF JUDGE MUNYON: Can you give me some examples of courthouse design don'ts that you have seen since you've started working on courthouse design?

ALLISON McKENZIE: I have never thought of this before. You know, I'll give you a big one. I have been on a project before that -- because sometimes it's difficult to build consensus among court users, sometimes the judiciary, and get everyone, you know, thinking the same way. You know, a lot of times the owner of the building is not the court, you know, it might be the county. Sometimes there is a desire to shortcut the process and bypass input that's really important from the stakeholders.

I would say that the biggest don't is don't ignore the input of the building users. I mean, you can imagine, the building has to function, it has to work for that particular court, and there are unique circumstances for almost every jurisdiction, so listen to the people that are going to be using the building.

CHIEF JUDGE MUNYON: What innovative designs are you considering now to assist courthouses to be functional in 50 years?

ALLISON McKENZIE: So I think one of the big -- you know, a lot of the projects that we're seeing now -- like I mentioned earlier, I definitely think figuring out how to address this new environments for adjudication. So the hybrid and virtual types of spaces, I think to an extent, that's here to stay. We're definitely not suggesting that there is not going to be a need for a traditional courtroom. I think there will always be that need. I think we are going to be seeing a variety of adjudication space types.

I also think that the public access and customer service piece of this could look a lot different. I think about the use of technology inside the building. I think about wayfinding kiosks, artificial intelligence for helping folks with language access. There is a project in New Mexico called the Clara kiosk project, and Clara is an avatar, she speaks multiple languages, and it's basically a touchscreen kiosk in the courthouse. And it's super interesting because when

court users come in, you know, chances are Clara will speak their language in plain language, but if they can't get the help they need, there's also the option to just press a button and open up a virtual clerk. At least that's how I understand it to work. I haven't used the kiosk firsthand.

And when you think about, like, from a customer-service standpoint, do we really need to stand in line at ten service windows anymore inside the courthouse? Probably not. I mean, I think there are other ways to help the public that's nicer and more thoughtful.

Another one that comes to mind has to do with customer service appointments. You know, using apps to -- the whole idea is you don't want people standing in line. You know, you want to be mindful of your customer's time and really try to be efficient. So I think that those types of operations which require the cooperation of the court, it's not just an architecture decision. I mean, it impacts how people work. I think those are the kinds of considerations that are going to carry forward.

I hope that answers your question.

CHIEF JUDGE MUNYON: It does. I have noticed just in the design of this courthouse and other spaces that we are building that it's -- you know, by the time you get to the finished project, many of the design features or the technology that was planned for might be obsolete.

ALLISON McKENZIE: Um-hum.

CHIEF JUDGE MUNYON: So how do you plan for a building that won't be finished for years?

ALLISON McKENZIE: Oh, gosh, that's such a good question. So one thing that comes to mind -- and this is a kind of sidebar -- but in thinking about how fast technology changes and considering that most of us carry a computer in our pocket -- you know, we have

smartphone technology -- you know, capitalizing on the technology that we all have that we're constantly upgrading is one way so that we're not building in technology that's going to be outdated in five years.

There's always going to be that need to build in. But when it comes to -- like, I'm thinking about just kind of the -- from a customer-service standpoint, QR codes. You know, do we really need to have complex building directories? We might. But if you could put an image of a QR code that a person can take a picture of that links them to a website that can be updated in real time to remain current, to me, that's one kind of obvious avenue.

I think, though, that when it comes to spaces, they can only be so flexible. So -- and we know that we have to -- in thinking about the courtrooms themselves, you know, courtrooms that are jury capable for high-profile proceedings, there needs to be a certain level of decorum and dignity for the court. And a lot of that is conveyed through the finishes, you know, the elevated bench for the judge, how the jury sits, and all these configurations.

So it will be interesting to see what that balance of flexibility and need for decorum. That's an interesting problem. I don't know what the answer is going to be, but it's somewhere in that mix, I think.

CHIEF JUDGE MUNYON: When a building is going to be used for so long, how do you make a determination that this building is just past its useful life, we need to start over?

ALLISON McKENZIE: Um-hum. So a lot of times -- usually, you know, that's not my role or a planner's role necessarily. But oftentimes, you know, the person, like county facilities person who knows the building intimately, will have a really good idea of, okay, the building systems themselves are they just completely outdated; is there the ability to -- when it comes to technology, for example -- integrate technology.

You know, in some historic courthouses, it's a real challenge. And there's an obvious desire to preserve those buildings. And I -- even though I am pro-innovation and technology, I am also kind of a preservationist because I don't -- I think that's a really important piece of our history and urban fabric. You know, we don't want to lose that.

But the reality is sometimes bringing those buildings up to a place where they can function the way that they need to to support a modern court needs is very difficult. And it could have to do with like the structure of the building, you know, the structural bay sizes. You know, I'd mentioned that a lot of times in historic buildings the spaces are much smaller and cookie-cutter. A lot of old buildings, we can't even -- it's a real challenge to even figure out how to create separate circulation systems.

You know, a lot of times in these historic buildings, you know, you have real security problems because you have in-custodies sharing a corridor with judges or crossing paths with the public. So, you know, there's a lot of different levels of consideration there, but I think those are some of what people who are making those decisions take into account.

CHIEF JUDGE MUNYON: Well, I know we've been going on for a while. I just want to ask a final question. What factors do you think will influence future changes to courthouse design? So I guess I'm asking you to put on your -- or to get your crystal ball out and tell us what the courthouse of the future is going to look like and act like.

ALLISON McKENZIE: So, you know, the biggest factor that's going to impact the design of courthouse and the future of what they look like is going to be the appetite of the courts to embrace change. And, you know, we take our cues from how the courts want to function and conduct business. We design courthouses for court operations for the public, so we need a partnership in that if we are looking to innovate.

And then outside of that, it's -- I mean, technology, I think that figuring out how to -- like, we -- courts have for the most part embraced the idea of virtual and hybrid. But there are still complaints about how effective some of those proceedings are. And I've heard judges say things like, I can't read the body language of the person who is -- who might be appearing in front of them, for example. All those nuances -- or that could even go for a witness depending on what -- you know.

So I think that it will be interesting to see how technology evolves to fix that problem. And I'm already seeing some really interesting stuff. There is -- I hope I get the name right -- at Google, Starline, I think is the name of their project, and they are looking at these video booths that are designed to make it feel like whoever's on the other end of the video is actually sitting on the other side of a window. It's pretty interesting stuff. So if you Google Project Starline, I think that will come up.

But I feel like those are -- you know, that's what I think, it's going to be this constant like how do we solve the issues that are being thrown at us from the court that are real issues where they're saying, I can't do this because of this other thing. And then we have to figure out how to solve that problem through the design of space.

CHIEF JUDGE MUNYON: Well, Allison McKenzie, thank you very much for joining me here today on Open Ninth. It's been a very interesting conversation.

ALLISON McKENZIE: Thank you so much. It was fun. It was great to meet you. I appreciate it.

NARRATOR: Thank you for listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Lisa Munyon and the Ninth Judicial Circuit Court of

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