

The Virtual Courthouse: A Clear Trend ... Except for the Human Factor

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In this rapidly evolving digital age, court technology can facilitate on-line 24/7 access to case information and court services. With continuing advances in technology and economic incentives, the scope of electronic court services will continue to expand in the foreseeable future. The timely resolution of criminal, juvenile, and family cases however, involves extensive stakeholder interaction with an array of in-person support services. Further, the success of problem-solving courts, such as drug courts and mental health courts, underscores the need for close collaboration among all participants and intense stakeholder interaction at the courthouse. Overall, the quality of justice and public trust are enhanced by the direct, personal interaction of litigants and system stakeholders. Thus, court leaders and architects will face exceedingly difficult decisions regarding court service delivery systems and the required supporting court facilities.

With recent advances in technology and the growth of e-commerce, courts are in the midst of a strong push to provide e-government services to the public. Litigants are no longer content to view static case history and calendar information via the court's website; rather, they expect instant access to web-based judicial branch services via personal computing devices including smart phones and tablet computers. Many courts are making the transition to e-filing, e-payments, e-court forms, and electronic documents access. One jurisdiction has deployed remote jury summoning systems in lieu of a physical jury assembly room; a model being considered by other jurisdictions as well.

Court video teleconferencing holds considerable promise for improving both efficiency and accessibility, while also giving rise to a myriad of legal and practical questions regarding its efficacy. Video criminal arraignments are now commonplace in many jurisdictions and save time and money in the transport of in-custody defendants. Additionally, expert witnesses can appear in court via video conference saving transportation costs and improving witness availability. It is impossible to know the extent to which video appearances will be expanded to dispositive court hearings, trials, orders of protections, etc.; however, coupled with Green government initiatives and recent improvements in video quality, the deployment of such technologies in trial courts is only likely to accelerate.

Conceivably, the judicial system could operate largely via video hearings and electronic documents, and establish on-line customer service centers or virtual courthouses. This alternative future would seem to be the clear trend, not only for courts but for most government services

... except for the critical human factor. Arguably, the most advanced technology notwithstanding, some key judicial processes are best administered on-site via a person-to-person exchange. While video appearances will suffice for consumer law and other selected case types, this physical presence may well remain a critical factor in determining the credibility of criminal case witnesses, jury deliberations, settlement activities in high conflict cases, and party linkage to social services.

Some of the most successful courthouse projects highlighted in this *Retrospective* appear to have contemplated this uncertain future, incorporating a high degree of flexibility into the accommodation of court operations. The flexibility is achieved through the use of modular office space, re-configurable office-courtroom space, shelled space, and upgradeable technology infrastructure, e.g., recessed courtroom floors to accommodate system reconfiguration and equipment upgrades. Best practices in architectural programming are evident in these projects, which serve as a model for other jurisdictions.

In some ways, the thinking about co-located justice services is coming full circle. Historically, the traditional town square courthouse provided a full-service government center housing the courts, jail, sheriff, legal offices, probation, and city/county administrative functions. This co-location model remains in place in many rural and less populous jurisdictions, although many of these courthouses are experiencing tremendous growing pains.

Presently, however, most urban court buildings, such as those appearing in this *Retrospective*, are single-purpose judicial facilities housing courtrooms and direct court support functions (e.g., clerk's office, jury office) as opposed to being a multi-functional facility containing executive branch and social service support functions. While this is the predominant model evident in this ten year retrospective of some 94 courthouse projects, the *Retrospective* also includes several notable full-service family/juvenile and criminal courthouses such as the Queens Family Court and City Agency Facility in Jamaica, New York; and the Miami-Dade Children's Courthouse in Miami, Florida that houses attorneys, probation, and social service support functions all under one roof.²

While the technology exists for courts to become a decentralized collection of remotely accessed services using e-commerce, e-filing, and video conferencing, there is the realization that some matters (family, juvenile, etc.) require the provision of direct person-

to-person interactions; thus, we see a new effort to consolidate courts and support functions in one location.

Ideally, new courthouse construction should be developed in the context of a comprehensive, long-range master space plan addressing both on-site and remote electronic service delivery systems and supporting space requirements. Extensive architectural programming is required to address the long-term

implications of emerging court technologies, process re-engineering, and changing service expectations based upon demographic trends. Courts must plan and budget for not only a large investment in sustainable and scalable technology infrastructure to support remote court services, but physical justice centers that are co-located with trial courts for one-stop resolution of stakeholder-intensive cases (e.g., family, juvenile, criminal cases and mental health cases).

¹ Reinkensmeyer, M., et al., "Today's Version of Yesterday's Vision of Tomorrow's Courthouse," for the American Institute of Architecture, Academy of Architecture for Justice, Chicago, IL, Oct.10, 2009.

² Another seldom noted approach to the integration of judicial services with social and support functions is the embedment of courtrooms into other institutional facilities such as jails and mental health hospitals.

Retrospective of Courthouse Design, 2001-2010
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