

IMPLEMENTING COLLEGIAL CHAMBERS AS A MEANS FOR COURTROOM SHARING*

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The evolution of the courthouse work environment has dictated that architects and planners rethink traditional courthouse design arrangements. One significant trend is a shift away from traditional courtroom/chambers arrangements in favor of collegial chambers and shared courtroom configurations.

Despite steadily increasing case filings over the last three decades, the proportionally decreasing amount of formal trial proceedings in state and federal courts nationwide makes it clear that the typical path by which cases travel through the judicial system has evolved.¹ Indeed, the allocation of judicial staffing resources

Sample Costs of a Trial Courtroom Set

Court Set Includes:	Standard trial courtroom and vestibule, two attorney conference rooms, jury deliberation suite, staff support areas, departmental and building grossing factors (does not include judicial work space)
Typical Square Footage:	5,000-6,000sf*
Construction Unit Costs:	\$300-\$500/sf*
Range of Typical Costs	\$1.5-\$3.0 million per court set

* These figures are for discussion purposes only. Actual construction costs and accepted space standards vary considerably by jurisdiction. Cost ranges listed here are based on whole building construction; however, it should be noted that the costs attributed specifically to courtroom construction are generally higher than any other space within the courthouse.

has changed as case management practices have improved and as new programs have been developed. As a consequence, facility resource needs have also evolved, and many architects and planners today are realizing that traditional models of courthouse design should be reconsidered to address the changed judicial work environment.

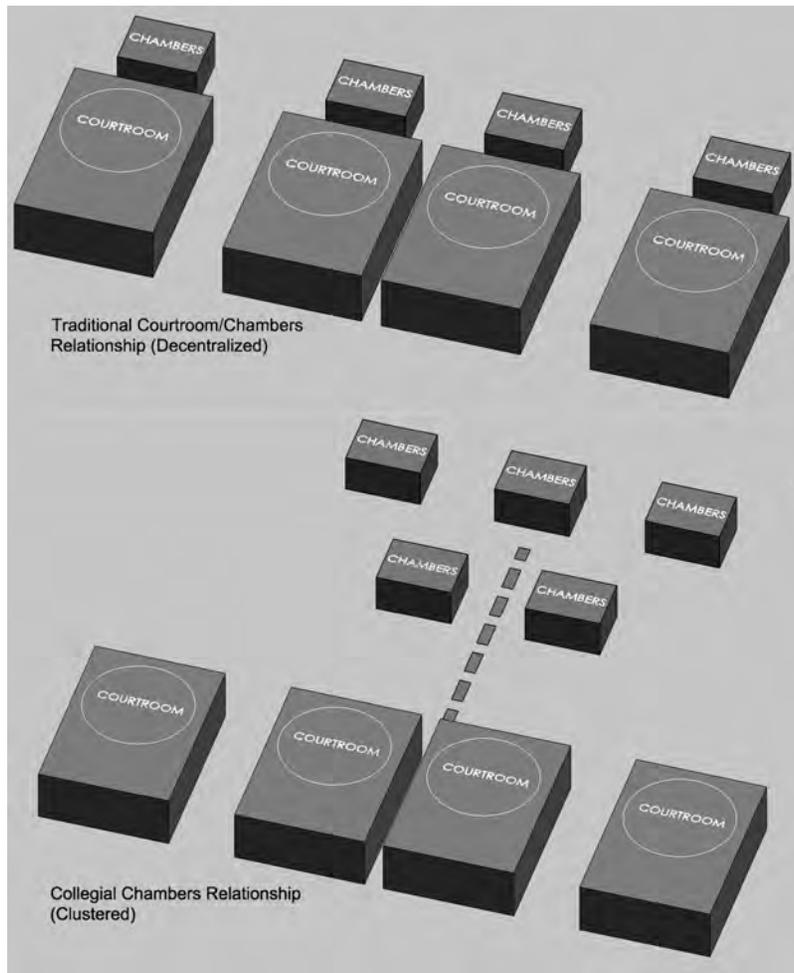
Government leaders in many jurisdictions have become increasingly concerned about a perceived underutilization of courtroom space. Certainly, the topic of courtroom vacancy during normal business hours (sometimes referred to as dark courtrooms) is receiving more and more attention in planning projects.² This is understandable given the cost of courtroom construction as government leaders are increasingly facing pressure to find ways to limit facilities resource expenditures.

Shared Courtrooms

The term “shared courtrooms” refers to a ratio of courtrooms (including hearing rooms) to judicial officers that is less than 1:1. In practice, courtroom sharing has been employed by various jurisdictions all over the nation as a matter of necessity whenever the number of judicial officers has outgrown available courtroom space.³ The discussion of *voluntary* courtroom sharing in new courthouse construction, however, is relatively new and has been increasingly debated over the last two decades. Traditional court culture and management styles are not easily adapted, and there are significant concerns that must be addressed when considering implementation. An often raised concern is that a shared-courtroom concept will result in deficient facilities over the expected lifespan of the new courthouse; in other words, if courtroom space allowances are reduced in the planning stages of a project, then accommodation for future growth may not be sufficient. Another concern is that courtroom sharing may not sufficiently support the work practices and use patterns developed over time by the court.

These concerns may be addressed, however, by thoughtful and comprehensive planning. First, provisions must be made for future expansion so that the proportional relationship between courtrooms and judicial officers remains static over time. Second, the design of the courthouse must ensure that the working environment will support a shared-courtroom concept—hence, a discussion of collegial chambers is appropriate. Although not directly related to the concept of

Courtroom/Chambers Relationship



Collegial chambers, compared to traditional courtroom and chambers arrangements, more closely resemble a law-firm office environment and typically take the form of a cluster of private offices sharing a host of ancillary support spaces, such as conference rooms, break rooms, work rooms, and a law library. Often they are located on a separate floor from the courtrooms although they can also be located on the same floor if space allows.

courtroom sharing, collegial chambers can help facilitate a shared-courtroom work environment through physical infrastructure.

Collegial Chambers

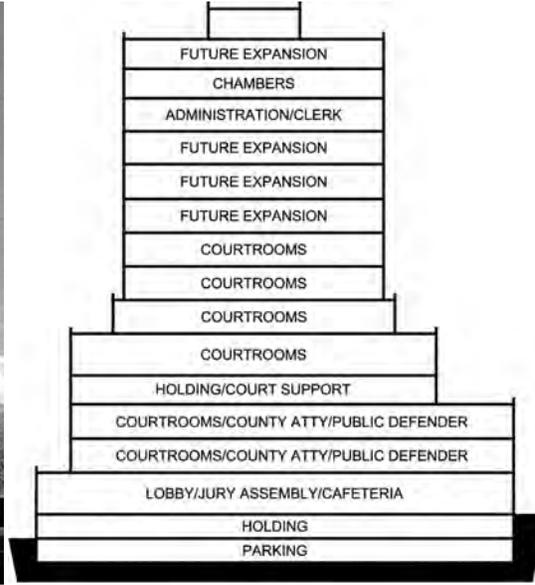
The application of collegial chambers is not a recent development and has a long-standing tradition in appellate courts. In modern times, collegial chambers have appeared regularly in limited-jurisdiction courts because of a need to pool limited staff resources. The design of collegial chambers for broader application in general-jurisdiction courts, while relatively new, is increasingly viewed as a means for implementing shared courtrooms as it builds in flexibility for the use and allocation of judicial officers and provides an opportunity for increased utilization of staff and facility resources.⁴

Traditional arrangements of courtrooms and chambers fundamentally depend on new facility resources becoming available, along with increases in judicial officer positions. Collegial chambers arrangements, on the other hand, remove the direct physical linkage between courtrooms and chambers, providing an opportunity to dynamically adjust courtroom assignments. Over time, this may allow courts to better accommodate additional judicial positions and service demands given a fixed number of courtrooms. (See the table at the end of this article for additional discussion of opportunities and challenges involved in implementing a collegial chambers design.)

Determining the Proper Ratio of Judges and Courtrooms

Judicial staff resources are often measured in terms of the number of cases that can be processed in a given period of time, while facility resources are often measured in terms of the number of occupants that can be accommodated at any given point in time. It is critical that planners understand both measures of resource utilization in developing a coherent courtroom needs assessment.⁵ The effective management of courthouse facility resources, in addition to management of human judicial resources, is an issue of public accountability and trust. State and local judiciaries, therefore, must demonstrate responsible facility resource management as a matter of judicial-branch independence.

Collegial Chambers Case Study: Maricopa County Downtown Criminal Court Tower, Phoenix, AZ



The Maricopa Downtown Criminal Court tower is expected to be completed in February 2012. The courthouse incorporates a collegial chambers concept with chambers on the upper floors and will eventually accommodate 36 judicial chambers and 32 courtrooms. According to the official project Web site, collegial chambers:

“...not only promotes communication between judges and staff members, but it also allows the court to assign judges to different courtrooms, depending on the type of case they are trying at a particular time.... When the judge is handling a case that does not require as much public seating, the case and the judge will be assigned a standard courtroom.” <http://www.maricopa.gov/courttower>

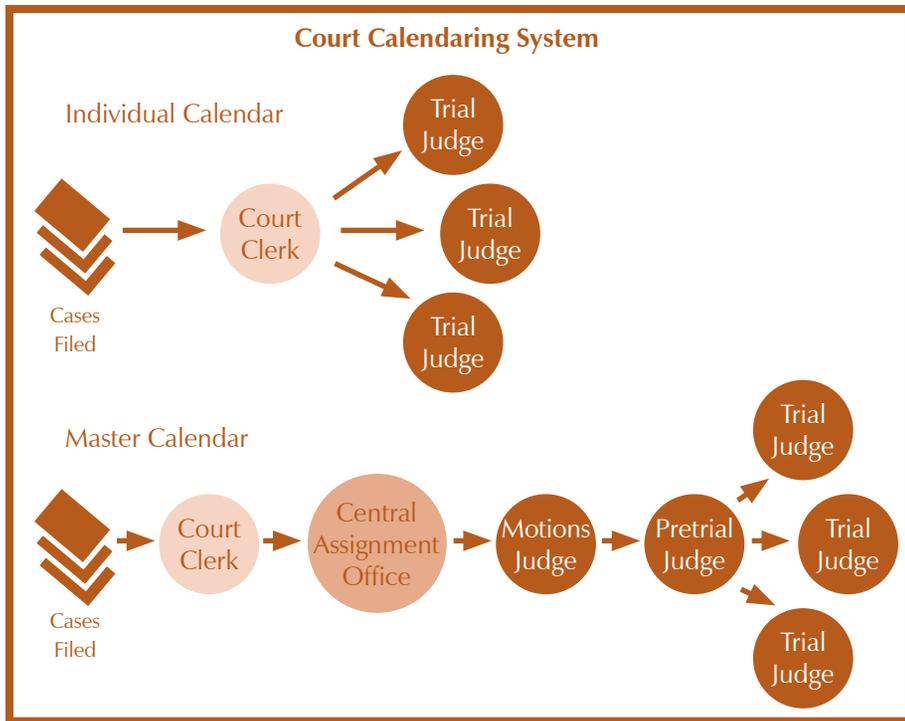
In a traditional courtroom/chambers arrangement the number of courtrooms is equal to the number of judicial officers. Therefore, courtroom-space-planning projects in the past have relied upon careful analyses of case-filing statistics, as well as demographic trends, to assess the likely need for judicial officers in a given time span, typically 20 years. To determine the number of courtrooms in a shared environment, however, a more comprehensive understanding of the judicial work environment is required that considers a full spectrum of spatial and operational variables, including the size, type, and local rules of the court under consideration. Although there is no simple, agreed-upon formula for determining courtroom sharing, some of the issues involved are listed below⁶:

Jurisdiction Size. Larger courts generally have a greater ability to segregate and delineate case types among a larger resource pool. This, in turn, may result in more efficient utilization of judicial and facility resources. On the other hand, smaller courts may have more difficulty in achieving the same economies of scale.

Court Jurisdiction Type. Courtroom use varies greatly depending on case type. In civil and family courts, for example, the number of spectators is typically limited, and the incidence of jury trial proceedings is small in proportion to the total caseload—therefore, greater consideration to sharing of courtrooms may be given. In general, space planning should take into account typical use patterns when determining space needs.

The implementation of shared courtrooms in a collegial chambers setting necessitates new thinking in the planning-and-design process for courthouses, involves discontinuing traditions of permanently assigned courtrooms, and requires willingness on behalf of the judicial community to change and adapt to new work patterns. Determining the ratio of courtrooms to chambers requires a greater understanding of the resource management issues involved as well as a clear understanding of the operational benefits afforded by properly configured courthouse facilities.

Court Management Policy. A central management system (i.e., master calendar) facilitates flexible allocation of judicial resources between courtrooms. In jurisdictions where a master calendar system is employed and where judges do not have permanently assigned courtrooms, cases can be assigned based on how a proceeding type matches a courtroom space. The impact is that workflow and courtroom patterns and utilization patterns within individual courtrooms



may become more predictable and, thus, more manageable. At the same time, in a master calendar system not all courtrooms may need to be designed to accommodate all functions (e.g., jury accommodations or prisoner circulation).⁷

Conclusion

Economic pressure combined with a public perception that many courtroom facilities are currently underutilized have spurred many communities to ask new questions regarding the proper amount of courtrooms needed; i.e., is the traditional 1:1 ratio of judges to courtrooms still appropriate? At the same time new thinking in courthouse planning is seeking to address the reality that jury trial rates and case-processing patterns have changed significantly over the last 30 years. As a response, many projects today are implementing shared-courtroom concepts through collegial chamber configurations as a way to maximize spatial efficiency and promote greater operational flexibility and staff cooperation.

Opportunities and Challenges of Collegial Chambers Implementation*

Opportunities

- Allows for shared court support staff and technical and supply resources.
- Facilitates collegiality between judges; increases individual judge's accountability to peers.
- Facilitates mentoring environment for newer judicial officers.
- Improves the likelihood of case management improvements through enhanced communication.
- Improves safety and protection for judicial officers consistent with separate courthouse zones of security.
- Provides an opportunity to dynamically assign courtrooms based on proceeding type and increase courtroom utilization rates.
- Creates potential for development of special-purpose courtrooms (e.g., not all courtrooms required to have prisoner or juror accommodations).
- Results in spatial economies and construction cost savings.
- Reduces overall number of courtrooms if collegial chambers are used as a means for courtroom sharing.
- Reduces number of general jury trial courtrooms; increases number of special-purpose courtrooms.
- Reduces space requirement for chambers support spaces if resources are to be pooled.
- Reduces height requirements if chambers are located on separate floor from courtrooms.
- Reduces elevator requirements for accessing chambers floor (i.e., no prisoner transportation).
- Reduces requirement for private chambers bathroom (if dedicated judicial staff restrooms are provided).

Challenges

- How to move from an individual-calendaring to a master-calendaring system?
- How might the use of collegial chambers impact judge rotation policies and practices?
- How to dynamically assign courtrooms among multiple judges and court personnel?
- How to bridge gap between current and optimal work processes?
- How will communication between judges and support staff change in a collegial-chambers concept?
- Are the benefits of collegiality and communication provided by a chambers floor outweighed by multiple trips between courtrooms and chambers?
- Will having a chambers floor isolate judges from the public more than traditional courtroom-chambers linkage?
- How will files be stored and managed? How will hard-copy files move from chambers to courtrooms?
- Will the risk from a targeted attack on one judge increase the risk for all judges if they all are on one floor?
- How will security be provided when accommodating members of the public within the chambers suite for judicial conferencing?
- Will additional space requirements be necessary to implement a collegial chambers concept?
- Requires construction of judicial conference/robing rooms adjacent to courtrooms for judges' use while on bench.
- Requires increased judicial circulation between courtrooms and chambers.
- Requires courtrooms to be designed for universal use (i.e., multiple judicial officers expected to use the same facilities).

* Many of the points listed above were adapted from Griebel, Aikman, and Martin (2007).

ENDNOTES

* Special thanks to Dan Wiley, Michael Griebel, Ken Jandura, Brian Conway, Alex Aikman, Chang-Ming Yeh, Gordon Griller, and David Sayles for their time and help in identifying the issues involved in these topics. Their input and perspectives have been invaluable in the preparation of this article.

¹ Per reports first published in 2002 as part of the Vanishing Trial Project, clear evidence of a decrease in formal courtroom trial proceedings has been observed consistently for the last several decades in both civil and criminal matters. In fact, for all areas of the law, federal civil trials have declined 60 percent since the mid-1980s. In 2002 less than 2 percent of those cases ended in a trial—down from 12 percent in 1962 and 20 percent in the 1920s. Less than 5 percent of criminal cases go to trial; most result in plea bargains. Possible culprits for this trend include an increase in the number of alternative dispute resolution programs and criminal diversion programs, as well as an increase in front-end processing and settlement activities (Galanter, 2004: 459-60).

² The topic of dark courtrooms is an increasingly relevant concern and worthy of additional study. The issue is twofold according to Gordon Griller, director of Trial Court Leadership Programs for the National Center for State Courts: On one hand, courtroom vacancy may suggest underutilization of courtroom facilities. On the other hand, overly high courtroom occupancy rates may be symptomatic of larger problems as the success of any caseload management system is directly dependent on the availability of facility resources—it is the threat and certainty of an imminent trial that provides the impetus for attorneys to complete a cost-benefit analysis and either go to trial or settle. In situations where courtrooms are occupied the majority of the time by formal litigation proceedings, it is often the case that a court is deficient in their caseload processing, which may result in caseload backlog, delay, and trial date uncertainty. Therefore, it is important that an appropriate balance be struck between facilities availability and effective caseload management to ensure that public resources are being used responsibly. There are currently no published guidelines or studies in the United States specifically addressing the issue of court utilization rates; however, some jurisdictions have articulated definitions that describe courtroom capacity as being full when occupancy reaches five hours per day.

³ Typically, as judicial staffing grows over time given a finite amount of space, courts must find creative ways to accommodate their adjudication needs. Strategies include courtroom sharing, as well as remodeling to carve new courtrooms out of existing space and developing new work patterns around facility limitations.

⁴ The benefits described in this article are relevant to new court facility construction and may not apply to courtroom-sharing arrangements necessitated by spatial shortcomings in existing older facilities. In fact, unplanned courtroom sharing in older facilities not originally designed for collegial chambers often interferes with a court's ability to administer justice effectively.

⁵ There are many ways in which coordination between facilities and judicial staff resources is significant. For example, in some jurisdictions, calendars are developed that place unbalanced stress on facilities resources (i.e., a court calling 400+ cases to appear in a courtroom that does not have the capacity to accommodate the number of participants summoned). Often there are changes that can be

made to calendaring systems, such as staggering of dockets, which can reduce peak facility demands and increase the usable lifespan of space resources.

⁶ There are no nationally published guidelines for the sharing of courtrooms on a state level, although federal courts have to adopt their own standards. On September 15, 2009, the Judicial Conference of the United States approved a courtroom-sharing policy for federal magistrate judges in new courthouse and courtroom construction. The courtroom-sharing policy revises the *U.S. Courts Design Guide* for courthouse construction, calling for sharing at a ratio of two judges per courtroom in courthouses with three or more magistrate judges. In addition, one courtroom will be provided for magistrate-judge criminal-duty proceedings. In courthouses where the sharing formula would result in a fraction because of an odd number of judges, the number of courtrooms allocated will remain at the next lower whole number. There are more than 500 magistrate judges serving the federal courts (see Sellers, 2009).

⁷ When planning future courtroom facilities, sufficient functional flexibility should be provided to ensure that courtroom spaces can accommodate a continually changing mix of proceeding types. Therefore, overspecialization of courtrooms should be avoided.

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