

# AJA BENCHMARK

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## AJA Joins Justice at Stake Campaign

Judge Michael R. McAdam  
AJA Liaison to Justice at Stake

**L**ast September in Anchorage, the AJA Board of Governors voted to join the Justice at Stake campaign (<http://www.justiceatstake.org/>) as one of its members. Justice at Stake is a national, non-partisan partnership of over 30 judicial, civic, and philanthropic organizations. The campaign's goal is to preserve fair and impartial courts and reduce the impact of special interests and money in judicial campaigns. It serves as a counter to increasing threats to the independence of the judiciary.

Justice at Stake held its winter strategy meeting in Washington, D.C., in January. The working sessions included discussions on polling results about the judiciary, public-education programs on the role of the courts, and the upcoming 2006 election cycle and the increasing role of money in these races. A report from South Dakota about the "J.A.I.L. 4 Judges" ([\[jail4judges.org/\]\(http://www.jail4judges.org/\)\) movement was the most discussed topic at the meeting.](http://www.</a></p></div><div data-bbox=)


J.A.I.L. (Judicial Accountability Initiative Law) is a proposed state constitutional amendment in South Dakota that will be voted on in November of this year. If passed, the amendment would strip the judicial branch of its immunity from civil lawsuits stemming from its decisions and could also lead to criminal indictments for judges for violations of law, including acting without jurisdiction, violations of due process, and deliberate disregard of material facts. The cornerstone of J.A.I.L. is a newly created special grand jury that would hear all complaints against judges and decide whether the claimant could sue the offending judge civilly or even charge the judge with criminal violations. Its decisions are unreviewable by any state court. This special

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## AJA Invites You to the "Big Easy"

### Annual Conference, Hotel Monteleone, New Orleans, October 8-13

**O**n Thursday, September 28, 2005, the AJA General Assembly unanimously passed a resolution confirming its plans to hold the 2006 annual meeting in the French Quarter of New Orleans. The membership was enthusiastic in its support of the people of New Orleans, and we expect a large turnout for the conference's education programs and business meetings.

Watch your mail for the registration brochure, which will provide complete information on the education sessions, the facilities, and accommodations of the beautiful Hotel Monteleone, as well as the other activities that await you in New Orleans. The brochure also will be available in the "Members Only" section of the AJA Web site. Check out <http://aja.ncsc.dni.us> and join us for an outstanding conference this fall. Discount registration fees are available until July 15. 



# Planning Court Facilities

Milt Nuzum and Mohsen Ghoreishi

**M**any courts face burgeoning caseloads that place demands on court facilities far beyond design capacity. Others work in outdated facilities that cannot accommodate current court-security standards or meet the needs of new court technology. This article addresses one court's experience from the unique perspectives of both the **judge** (Milt Nuzum) and the **consultant** (Mohsen Ghoreishi) in resolving these problems.

## The Idea

**As a judge**, I spend most of my time resolving conflicts. The facilities I use should do exactly that—facilitate the mission. It is patently obvious when they fail to do so. In my court, the facilities were not handicapped accessible; they did not meet our state's published jury accommodation standards, causing more than one mistrial; they could not meet our security standards; and they were overcrowded with staff located in four separate locations, not counting file storage in two additional buildings. It struck me and three of my predecessors going back more than 20 years that this was a problem that needed to be fixed. I undertook a 10-year mission to do so. The saga unfolds below.



**As a consultant** I am concerned about every aspect of the building project, not the least of which is the appearance of the building I am to design for my client. Should it be modern or traditional? Are the windows in the proper location? What color brick should I use? Will the building codes allow us to do this wild thing I would like to accomplish? In my profession, we hope our achievement will be recognized and published. We even aspire to win an award from an architectural magazine. However, the greatest satisfaction in designing a courthouse comes from receiving the accolades of the community in which you have invested your passion and soul in designing the building that serves them. Truly, the best reward for a courthouse designer is to see the building inspire and rejuvenate the public's respect for the rule of law and the work that goes on within the walls of the building. A new courthouse should bring back the memories of old days when people passing or entering such a structure felt a sense of the law and respect.

No public building symbolizes the freedom of this country more than a courthouse. It is this awesome

responsibility that a design professional undertakes when designing a courthouse.

We as design professionals, like the leaders of the community, must think not twice but three times about how we should approach a courthouse project. We must be honest and sincere with our community because a courthouse is positioned at the core of our society, and its impact remains for generations to come. This is a difficult task, and competing interests will tear at the very fabric of the project. Not every architect can design a courthouse, and not every politician can put politics aside to do what is best for the community.

## Pregame Preparation

**As a judge**, there were several important challenges that I faced in dealing with my courthouse capital project. Every project needs a major advocate and a leader. I do not recommend that you undertake the task personally, but if you have administrative responsibility in your court as I did, you must be engaged in the process. Perhaps the mantle of leadership will fall on your shoulders as it fell on me by default. Here are the initial

steps I took to achieve success.

- 1. Needs assessment.** This is the basis for the project. The leader needs a plan to assess the facilities needs of the court and evaluate the possibilities. An outside consultant can make this assessment professionally and help eliminate the perception that the needs you identified are self-serving to acquire nicer facilities. A consultant can assess your facilities to identify inadequacies; offer preliminary estimates of reasonable space requirements; and provide cost estimates to develop a preliminary budget. My funding authority actually commissioned at least five separate needs assessments by different architects over a 20-year period for this purpose. They all concluded there was a dire need to remedy the facilities situation and recommended strikingly similar solutions.
- 2. Needs acceptance.** This ongoing process is one of the most important parts of the project. Lobbying the local funding authorities is the same as running a political campaign. One can never stop marketing and educating local officials regarding the project. The funding authorities are usually elected officials.

If that is so, your campaign becomes a public-education process. That was the situation I faced. It was not difficult for me to convince the community there was a problem. Convincing them to pay to fix it was another matter. Let me reiterate that acceptance of the need for facilities is a continuing process that can be won and lost, much like two armies fighting over the same terrain. You can gain public acceptance and get to the end of the process and have nothing more than a beautiful set of building plans in a drawer, but no building.

- 3. Assembling the design team.** The leader must have the right team at his or her side throughout the entire project. I had the design professionals, as well as prominent members of the bar and community, on my team. This team should know your community, its codes, and the unique features of a modern court facility. I wanted a design professional who understood modern court design. I attended an American Institute of Architects (AIA) conference on court renovation and design in a nearby community. I believe I was the only judge there. I met some very knowledgeable design professionals at this meeting. Those contacts proved invaluable as we assembled our design team. My state has statutory requirements for selecting design professionals for public buildings. After the interviews required under the statute, we identified the professionals we felt would best suit our needs. We then negotiated a contract with them. Typically, an AIA form contract is the basis for the negotiations. With the funding authority on board, we signed a contract and proceeded to the next phase.

## The Game . . .

From the **judge's** perspective, you have to realize that building a court facility is much like playing a tennis match. The game starts with the design professionals making the first serve. The ball passes to you, the client. It goes back and forth throughout the process. Unlike a tennis match, you are all on the same team. Here is how the game is played.

### Programming

The program merely states what the structure should accomplish for the client. This is one of the most important phases of the project. Despite the fact that we all know what we do, seldom do we think about it in relation to the facilities we use. The design professionals will work with you to analyze court operations by department. They will assess how departments within the court relate to each other and to outside agencies and the public. After the points of contact are identified, a critical analysis will identify efficiencies that can be gained by proper design of a new or remodeled facility.

The design professionals will interview key staff members. Suddenly, you have the ball. The design professionals need information and you have to provide it in a timely manner. If you undertake a project, plan to spend some time on it, especially in this phase. You should expect a report from the design professionals with an analysis of the myriad of internal and external relationships that exist among the users of the court and those with whom the court deals. This will become an invaluable tool in designing the facility. In our case, we found that it would take a 22,000-square-foot building to accommodate the near- and long-term needs of the court, nearly tripling the space we currently occupy.

### Schematic Design

From my **judge's** perspective, this is perhaps the most enjoyable phase of the process. Here you get to put your fondest wish list on the table for the design team to analyze.

As a **consultant**, I must formulate a design concept and explore design alternatives with my client based on the approved concept. During this phase, the concept will be developed into a specific design proposal that meets the construction budget. As you work through this there will inevitably be several iterations of the proposal. All design proposals will be checked as they are developed to measure compliance with the program and budget. In other words, reality will begin to dictate that the wish list your client started with must be pared down to meet the budget. You must help the client distinguish between wants and needs. Ultimately, the schematic design must accommodate the program you established at the outset. Preliminary cost estimates will be developed, and the construction schedule will be updated. At the end of this phase you should have an accurate rendering of the exterior views of the building and the schematic floor plan that shows the circulation pattern of people using the building. These are critically important tools for maintaining public acceptance for the project.

### Design Development

To a layperson, the work described above, which results in a picture of the finished building and a view of the interior layout, may seem like enough to break ground. Not so. There is much more to be accomplished in the design development (DD) phase. In this phase, 95 percent of all required design decisions relative to materials, systems, and equipment are reviewed and finalized. These decisions are made within the overall framework established in the schematic design package.

In my **judge's** experience, this was the tedious phase of the project. Much attention to detail is required right down choosing the color of floor tile in the bathrooms. The primary objective of this phase is

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to develop a set of documents to define the character and construction of the project. This becomes the basis for subsequent bidding and construction documents.

From the perspective of the **consultant**, a high degree of client involvement is anticipated during the DD phase. Review meetings will be held frequently to allow opportunities for input by all parties. Tasks for this phase will include the detail of all aspects of the building.

One critically important aspect of this phase is acquiring a final, accurate cost estimate for the building. In our experience, flooding, hurricanes, and war affected costs of building materials and fuel so drastically that some of our early cost estimates had to be revised significantly upward. Unfortunately, our budget could not be revised in that manner. To resolve this dilemma, we applied some “value engineering” to the project. We looked at every material and system in the building to determine if we could cut costs without compromising our original program or the building’s aesthetic appearance. We cut costs by creatively using less-expensive materials in some areas and deferring interior completion of a courtroom that would not be used immediately upon occupancy. It was a necessary exercise to show our public that we were sensitive to their concerns about the project’s cost. Remember, it is an ongoing campaign to maintain the acceptance of the project.

### Construction Documents

The hard work you, as a **judge**, have put into the project to this point begins to pay off as the design team retires to their computers and CAD programs to prepare the construction documents. These include what a layperson would recognize as blueprints, as well as a detailed set of written specifications for materials and systems in the building. Prospective contractors will use these documents to bid on the project and carry it through to a finished building.

At this point the building exists only in concept. The final two phases described below require not only the work of the design professionals described in these sections, but also legal expertise to ensure that the award of a public contract meets all the legal requirements of your community. In my case, the building is to be funded partially from municipal bonds. Securing the services of an experienced attorney for this purpose was

essential. Additionally, an experienced attorney must provide assistance in drafting the various resolutions necessary to approve site selection, hiring the design professionals, and resolving other issues that your funding authority must address as the project unfolds.

### Bid and Award

The **consultant** will provide support services to ensure the prospective bidders understand the construction documents and submit bids that meet the requirements of the client within the budget.

### ... and the Reality Construction Administration

Working with the client representatives, the **consultant** will provide the basic construction support stipulated in the AIA agreement between owner and architect. Throughout construction, the essential role of the architect is to ensure strict compliance with the contract documents.

**Judge’s notes:** This article was written in collaboration with Mr. Mohsen Ghoreishi, president of the Kohan Group, and a member of the American Institute of Architects. I worked with Mr. Ghoreishi as one of two

lead design professionals for a new court facility for the Marietta (Ohio) Municipal Court. Currently, the project is in its final phase as construction documents are completed. A view of the building may be seen at <http://www.thekohan.com>.

If you undertake a project similar to the one described in this article I recommend that you obtain a publication of the National Center for State Courts, *The Courthouse: A Planning and Design Guide for Court Facilities*, 2nd ed., by Don E. Hardenbergh, with Michael Griebel, Robert W. Tobin, and Chang-Ming Yeh (Williamsburg, VA: National Center for State Courts, 1998). You will find it most helpful. **MN** ([mnuzum@nuzum.org](mailto:mnuzum@nuzum.org)).

**Consultant’s Notes:** It takes an architect to design a building, but it takes an architect with passion to design a courthouse. The project demands complete trust between the professional in charge of the design and the client. The architect becomes involved in all aspects of the project. He or she should not only design the building but also keep in mind all of the




political, social, economic, and psychological impacts of the building and be able to effectively communicate the vision of his client to all stakeholders in the community. Here the architect is a full partner in every aspect of the project with the client.

The key for success is to understand the needs of the client and put aside personal design fulfillment that one invariably encounters when designing a building. The architect has to understand the community, culture, and political environment of the project location. Once that understanding is in place, the design and its outcome will be satisfactory for all.

We as a team (Judge Nuzum and I) experienced this partnership at its fullest from the beginning to end. We shared a belief in our project and responsibility for shepherding the project through each phase. We always complemented each other throughout the process, particularly during the many times we faced the public and communicated the vision we shared. We planned many community meetings regarding the project from the

beginning to the end. Every meeting, despite the presence of a few harsh opponents, was successful. There was no question left without answer or concern left without explanation. Public input was taken seriously, and many suggestions became part of the design. That approach gave us credibility with the people this building is designed to serve. This project is a great example of how a community can become educated about an important public project and eventually become the best support system you may have.

It is critical that the design professionals in any project of this nature understand the political ramifications of what they do and say. Community acceptance and support of the elected officials are very important to the outcome. I am pleased that we were able to meet the challenges of each phase of the project. We encountered them and dealt with them as a team. We view our shared experience as quite successful. *MG* (mghoreishi@thekohan.com). 

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