The Court of the Future Network is a group of Australian and New Zealand architects, engineers, psychologists, judicial officers, lawyers, criminologists and others who work closely with court communities to improve the quality of justice environments.

Our interests include both the physical and psychological setting of courts and tribunals, and also the processes and rituals of justice. We identify emerging issues, carry out research to discover and test new approaches in the real world of the court, and disseminate information through conferences and workshops.

Current and previous research by the Court of the Future Network, in consultation with court and tribunal communities, includes projects on:

- juror satisfaction
- Mental Health Tribunals
- juries and interactive visual evidence
- improving video-mediated communications for justice
- court safety and security
- improving video-mediated communications for justice participants.

The Court of the Future Network is co-ordinated by Professor David Tait, Justice Research Group, University of Western Sydney and Diane Jones, a Director of PTW Architects. It publishes a twice yearly newsletter and hosts the Justice Environments website.

Contacts:
David Tait: 02 9772 6785 Email: David.Tait@uws.edu.au
Third justice environments conference: Architecture, technology and security for courts and tribunals

Rydges World Square, Sydney
20–22 May 2010

Conference Program

The Court of the Future Network
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Australasian Institute of Judicial Administration
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The NSW Bar Association has accredited the Justice Research Conference with 1 CPD point per hour of attendance (excluding breaks), with a maximum of 6 CPD points.
Evidence Technology is a specialist audio visual systems integration company that operates exclusively in the Law and Justice Sector and has commissioned well over 100 high technology courtrooms in Australia and New Zealand in recent years. It currently provides support for over 500 police and justice sites in the region.

From its offices in Sydney, Wellington, Melbourne, Auckland and Brisbane, the firm develops and integrates justice management systems with an emphasis on:

1. Advanced courtroom and interview room infrastructure
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The firm installs and manages hardware systems in law and justice facilities as well as designing, developing and supporting software solutions and customised components as required. Evidence Technology has a vision for the future of the sector and the enabling role that technology will play. It exists to help clients in the law and justice agencies to manage the delivery of justice through the development and provision of innovative enabling technology.

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Dear Justice Environment Conference participants,

It is with great pleasure that we welcome you to the third Justice Environments Conference which explores issues such as court design, courtroom technologies, and safety and security. Themed tours, technology displays and the court architectural exhibition, *Structuring Justice*, also provide opportunities to highlight outstanding examples of innovative practice.

The conference is a forum for debating matters of current concern, and an opportunity to develop new research partnerships. It brings together many distinguished speakers and guests who represent a range of perspectives and professional backgrounds. They include eminent architects and court designers, judges and court administrators, legal scholars, social scientists, and technology experts.

We are particularly pleased to highlight some findings of three Australian Research Council (ARC) funded research projects which have been managed by the Justice Research Group at the University of Western Sydney. These have investigated remote witness technology, juries’ responses to interactive visual evidence, and court safety and security in courts across Australia and New Zealand. We are grateful to our industry partners on these projects and invite feedback as we move to translating useful research into practical policy.

We hope you enjoy the conference, and look forward to a lively and productive event.

David Tait and Diane Jones
Co-ordinators
The Court of the Future Network
Third Justice Environments Conference 2010

Program, Day 1, Friday 21 May

9.00 am
Welcome  
Ballroom 1 & 2

Professor Janice Reid, Vice Chancellor, University of Western Sydney

9.15 am - 10.30 am
Plenary Session I: Innovations in court design  
Ballroom 1 & 2

Francis Schaff, Director-General of Infrastructure, European Court of Justice

Chris Arkins, Director, and Mirjam Roos, Senior Lighting Designer Steensen Varming

Professor John Hockings, Director, Architectus

Discussant: Chief Justice Wayne Martin, Supreme Court of Western Australia  
Chair: Jeffrey A. Apperson, President, International Association of Court Administration

10.30 - 11.00 am  
Morning Tea

11.00 am - 12.30 pm  
Breakout sessions

1. Court safety – protecting the court user  
Meeting Room

The governance of security in courts  
Professor Rick Sarre, Law, University of South Australia

User juries: assessing court user perceptions of safety and security  
Imogen Beynon, Monash University

Discussants: Dave Watson, Marshall, Family Court of Australia, and Simon Walker, Connelly Walker, security consultants  
Chair: Judge Laurie Newhook, New Zealand Environment Court

2. Technological challenges for courts of the future  
Ballroom 3

Architectures of enunciation: reassembling the legal  
Dr Rick Mohr, Legal Intersections Research Centre, University of Wollongong  
(Co-author: Francesco Contini, Research Institute of Judicial Systems – IRSIG-CNR, Bologna)
Virtualisation of the court room  
Phil Farrelly, Managing Director, Potter Farrelly Consulting

Discussant: Anne Wallace, Law, University of Canberra  
Chair: Warwick Soden, CEO, Federal Court of Australia

3. Juries and Interactive Visual Evidence – results of an Australian Research Council study  
_Ballroom 1 & 2_

Can juries be fair in an age of terror?  
Dr Jacqui Horan, Law, University of Melbourne

Developing a common story: co-production of a jury narrative  
Dr Meredith Rossner, Justice Research Group, University of Western Sydney

But how do we know? “CSI” and beliefs about visual evidence  
Professor Greg Battye, Media Studies, University of Canberra

Chair: Judge Jan Doogue, Auckland District Court, NZ

12.30 - 1.30 pm  
_Lunch_

1.00 - 1.30 pm  
_ClearOne Presentation: Achieving Positive Audio Outcomes_
Ben Clarke, ClearOne  
_Ballroom 3_

1.30 – 3:15 pm  

_Plenary Session II: Politics of building courts_
_Ballroom 1 & 2_

Robert Fisch, Principal, Ricci Greene Associates, Architects and Planners, New York

Professor Marc Saboya, Art History, University of Bordeaux 3  
Chief Justice Marilyn Warren, Victorian Supreme Court

Discussant: Justice Margaret Wilson, Queensland Supreme Court  
Chair: Justice Peter McClellan, NSW Supreme Court

3:15 – 3:45 pm Afternoon Tea

3.45 – 5:00 pm  
_Breakout sessions_

1. Court safety: improving processes  
_Meeting Room_

A study of client services in Australian and New Zealand courts – meeting the needs of court users  
Doug Jackman, PhD student in management, University of Canberra
Examining safety and security incidents across jurisdictions: a preliminary analysis
Dr Meredith Rossner and Ekta Nankani, Justice Research Group, University of Western Sydney

Discussants: Ivan Ravlich, Director, Technical and Judicial Security, Ministry of Justice, New Zealand and
Professor Deborah Blackman, Faculty of Business and Government, University of Canberra
Chair: Professor Debra Rickwood, Psychology, University of Canberra

2. Design and behaviour
Ballroom 1 & 2

Court rituals in comparative perspective
David Marrani, Public Law, University of Essex, Co-director of Anglo-French Program in Legal Education

Influence of design on interpersonal impressions and expectations in justice environments: an investigation of juvenile detention design
Dr Rohan Lulham, Psychologist, NSW Bureau of Crime Statistics and Research

Facilities for ‘Generation Y – me’
Cameron Lyon, Director, Lyons Architects

Chair: Professor Graham Brawn, Architecture, University of Melbourne

3. Gateways to Justice: improving the experience of remote witnesses in court processes
Ballroom 3

Designing Respect: results of an experimental study to improve remote witness facilities and processes for courts
Emma Rowden, PhD student in Architecture, University of Melbourne and Anne Wallace, Law, University of Canberra

How jurors and witnesses respond to changing court processes and environmental conditions for remote witnesses
Professor Jane Goodman-Delahunty, Psychology, Charles Sturt University

Transforming the acoustic and visual experience for remote witnesses: Technical challenges of setting up a demonstration facility in the Victorian County Court
Mark Hanson, acoustics engineer, ICE Design

Discussant: Margaret Jones, Senior Prosecutor, ACT DPP
Chair: Megan Greenwood, CEO and Principal Registrar, Supreme Court of New South Wales

5.00 - 6.30 pm
Structuring Justice – official opening and reception
An exhibition of court architecture, curated by Imogen Beynon
Horden 2
Chief Justice Diana Bryant, Family Court of Australia

7.00 pm Conference dinner
Third Justice Environments Conference 2010

Program Day 2, Saturday 22 May

9.00 am
Welcome
Ballroom 1 & 2
Professor Greg Reinhardt, Australasian Institute of Judicial Administration

9.05 am - 10.30 am
Plenary Session III: Visual technology in courts
Ballroom 1 & 2
Professor Neal Feigenson, School of Law Quinnipiac University and Research Affiliate, Yale University
Christina Spiesel, Senior Research Scholar, School of Law, Yale University
Professor Damian Schofield, Digital Media and Computer Games, State University of New York at Oswego
Discussant: Justice Robert Osborn, Victorian Supreme Court
Chair: Justice Bob McDougall, NSW Supreme Court

10.30 am - 11.00 am
Morning tea

11.00 am - 12.15 pm
Breakout sessions

1. Visual technology displays
Trade Display Area
Facilitators: Rod Louey-Gung, Integration Engineer and Director, ICE Design Australia, and Christina Spiesel, Senior Research Scholar, School of Law, Yale University

2. Forensic science and the courts
Ballroom 3
Developing an effective partnership between 'persons having specialised knowledge' and those involved in legal deliberations
Anna Davey, Forensic Scientist and PhD student in law, University of Canberra
Forensic science by videolink: opportunities and challenges
Anne Wallace, Law, University of Canberra
Discussants: David Marrani, Public Law, University of Essex, co-director of Anglo-French Program in Legal Education, and Professor Neal Feigenson, Law, Quinnipiac University and Research Affiliate, Yale University
Chair: Nick Cowdery, NSW DPP
3. **Court building in historical perspective**  
*Ballroom 1 & 2*

**Visual representations of justice in Bordeaux justice precinct: 1847 (Thiac), 1972 (G.Gillet) and 1998 (Richard Rogers)**  
Professor Marc Saboya, Art History, University of Bordeaux 3

**Design propositions for the Vanuatu Supreme Court**  
Professor Graham Brawn, Architecture, University of Melbourne

**Discussant:** Franziska Locher, FMSA Architects  
**Chair:** Graham Turnbull S.C.

**12.15 pm - 1.00 pm**  
**Final plenary: reflections and future directions**  
*Ballroom 1 & 2*

Paul Katsieris, Architect, Katsieris Origami  
Robert Fisch, Principal, Ricci Greene Associates, Architects and Planners, New York

**Chair:** Professor David Tait, Justice Research Group, University of Western Sydney
But how do we know? “CSI” and beliefs about visual evidence

Abstract: The “CSI Effect,” whether or not it actually exists, has been generally understood to be a raising of the expectations of jury members, crime victims and even criminals that forensic science, and particularly DNA testing based on crime scene inspections, will be able to rapidly and reliably solve crimes and determine guilt. Circumstantially, these allegedly raised expectations may lead to either a decrease or an increase in conviction probability, since jurors might be either uncritically impressed by forensic evidence when it is present, or excessively critical when it is not. The paper describes other cognitive dispositions which may in some cases underlie the understanding of visual evidence, and links them to attributes of the CSI shows that may selectively encourage some of those dispositions.

Bio: Professor Greg Battye is Deputy Dean in the Faculty of Arts and Design at the University of Canberra, Australia. His academic field is the theoretical interpretation of media products, from the history of photography through to networked media, and he has continuing practical and research interests in education and educational technology.

Imogen Beynon
Law student and curator

User juries: assessing court user perceptions of safety and security

Abstract: Considerable attention has recently been paid to the development of holistic strategies to address current and future court safety and security concerns. This paper examines and evaluates the use of ‘user juries’ as a qualitative research method in pursuit of insights into the ways in which the public experiences and navigates court spaces, with a focus on perceptions of safety and security. It articulates and evaluates this approach with reference to a recent trial of the study. The particular challenges of interpreting users’ experiences of courts will be discussed with respect to the possibility of developing a framework for the documenting and analysing of ‘safety’ within court environments.

Bio: Imogen Beynon is a current Monash University law student and is currently working as a research assistant for the Justice Research Group at the University of Western Sydney, primarily working on the ARC funded project: Sanctuary or Fortress? Court Safety and Security. She has previously managed the Monash Faculty Gallery and curated numerous freelance projects.
Professor Graham Brawn  
Architecture, University of Melbourne

Bio: Graham Brawn is Professor of Architecture in the faculty of Architecture, Building and Planning at The University of Melbourne, Australia. He is a leader in institutional architecture, with specialisation in the adult and juvenile criminal justice systems, courts and education.

Ben Clarke  
Production Audio Services

Achieving Positive Audio Outcomes  
Abstract: The challenge facing modern architecturally driven spaces with sound systems in the justice sector are no different than any commercial audio sector – increasingly stronger emphasis and utilisation demands of electronic sound reinforcement in spaces that are being architecturally designed less favourably for this purpose.

With sound reinforcement, project stakeholders should be aware of key design parameters that drive the eventual success (or not) of the delivered system. Through a more open discussion of the basic rules of sound system design for any particular room we can understand how the architectural design impacts on both the sound system design and operational effectiveness of the delivered system. A sound system design completed in collaboration with architectural stakeholders should result in high quality audio for in room participants, far end remote links and recording systems – in a cost effective manner.

The relaxed session (Sponsored by ClearOne, the world leader in audio conferencing specific products) is presented by Production Audio Services who have been designing, supporting and educating the market in Australia and New Zealand for over 20 years.

Francesco Contini  
Research Institute of Judicial Systems (IRSIG-CNR), Bologna

For details see under ‘Dr Rick Mohr’ below.

Anna Davey  
Forensic Scientist and PhD student in law, University of Canberra

Developing an effective partnership between ‘persons having specialised knowledge’ and those involved in legal deliberations  
Abstract: Investigative and legal processes are increasingly dependent on the contribution of ‘persons having a specialised knowledge’ – ‘experts’. However scientists and other experts tend to have different disciplinary training compared to that of lawyers, and have different frameworks for talking about probability, proof and validity. This leads to tensions between the ‘expert’ and the legal profession before, during and after any court proceedings. Globally these tensions have been addressed in a number of reviews, in admissibility guidelines and by the application of case law. However these mechanisms have not addressed the fundamental issue of promoting effective communication between the two cultures of law and science.

Bio: From 2000 until 2004, Anna held the position of Executive Officer of the National Institute of Forensic Science. In 2004 she was appointed Deputy Director, and also acted as Director of the Institute for 7 months in 2003-04 and 12 months in 2007-08.
In 2008 Anna founded Forensic Foundations, a specialised service aimed at assisting practitioners entering the forensic arena or looking to broaden and deepen their skills. She is currently enrolled in a Graduate Diploma in Legal Studies at the University of New England and a PhD at the University of Canberra - focusing on the interface between the law and witnesses with specialised knowledge (experts) – and is a Partner Investigator in an ARC Linkage Grant 2009-2013 study titled ‘The Effectiveness of Forensic Science in the Criminal Justice System’. The project is a collaboration of the University of Tasmania, the University of Technology, Sydney (UTS), Victoria Police and the Australian Federal Police.

**Professor Jane Delahunty**
Psychology, Charles Sturt University

Bio: Jane Delahunty is an experimental psychologist and lawyer. Her empirical legal studies foster evidence-based decisions to promote social, procedural and distributive justice within organisations and the community. She has published widely in the areas of Jury behaviour and decision making, scientific evidence and juries, emotion in cognition, and technology and learning.

**Phil Farrelly**
Managing Director, Potter Farrelly Consulting

Abstract: Emerging technologies are rapidly changing the face of remote meetings. We have come a long way from the “conference call” and recent developments now make it possible to send your holographic avatar to a meeting on your behalf – if you have enough money that is. This presentation takes a brief look at what current technology can deliver in this regard and, while it will be still some years before the appropriate equipment and services will be available to the courts, the adoption of these systems will revolutionise the way we conduct hearings in the not to distant future.

Bio: Phil Farrelly is Managing Director, Potter Farrelly Consulting Pty Ltd (PFC), an International consulting and professional services company specialising in electronic justice business process re-engineering and information management. Phil’s experience in legal technology dates back to 1991 when he was the Regional Manager IT for the National Crime Authority in Australia. Over the years he has held senior IT management roles in the Commonwealth DPP, Victorian OPP, Clayton Utz and has consulted to the Victorian Supreme Court, ACT Coroners Court and justice agencies in British Columbia, Canada and New Zealand. He established the first permanent eCourt for the Victorian Supreme Court in 1994 and in recent times he has designed and implemented the eCourt systems for matters such as Pong Soo and Benbrika for the Supreme Court and two UK based inquiries – Ecoli Inquiry in Wales (2007) and the Penrose Inquiry in Scotland (current).

Phil has worked on some of Australia’s largest litigation projects and, with Sandra Potter, has assisted with the development of the first judicial practice note for the use of technology in courts in 1999. He completed the update of that practice note in 2007 for the Victorian Supreme Court. Phil is a past president of the Victorian Society for Computers and the Law and a long standing member of the Australasian Institute of Judicial Administration. He holds qualifications in computing and public sector management from Griffith University Qld. Website: www.potterfarrelly.com
Professor Neal Feigenson
School of Law Quinnipiac University and Research Affiliate, Yale University

Bio: Professor Feigenson is a professor of law at Quinnipiac University and a research affiliate in the Yale University Department of Psychology. His research interests relate to the application of social and cognitive psychology to legal decision-making and the role of visual communication and rhetoric in law. He holds a J.D. from Harvard Law School and a B.A. from the University of Maryland. He is the author of “Legal Blame: How We Think and Talk about Accidents (American Psychological Association Books 2000)” and has published articles in numerous law and psychology journals. Along with Christina Spiesel, he has recently published a major book on technology and courts, “Law on Display: The Digital Transformation of Legal Persuasion and Judgment” (2009, New York University Press).

Robert Fisch
Principal, Ricci Greene Associates, Architects and Planners, NY architecture firm specialising in designing justice facilities

The Politics of Building Courts
Abstract: The planning, design and construction of a new courthouse is an inherently political endeavour. Mr Fisch’s presentation will provide an overview of the public process that carries a courthouse project from concept to reality, as well as the political forces that act on the project in both positive and negative ways. Different jurisdictional situations will be reviewed and key challenges and issues facing judicial and executive branch stakeholders such as budgeting, programming, security, technology, historic preservation and consensus building will be discussed, as well as how to build public support.

Bio: Robert Fisch, AICP, LEED AP is a Principal at New York City-based Ricci Greene Associates, Architects and Planners, where he leads the planning and pre-design work for many of the firm’s major courthouse projects. Over the past 22 years, Mr Fisch has developed master plans, feasibility studies, space programs, operational plans and conceptual design for justice campuses and courthouse projects throughout the United States. He has served as a consultant to judges, elected officials and public works commissioners, and lectures frequently on courthouse planning and design issues. Mr. Fisch is a member of the American Institute of Certified Planners and is LEED accredited by the U.S. Green Buildings Council.

Professor John Hockings
Director, Architectus

Abstract: I will discuss some principles behind the design of a recent court project:
1. the importance of making the courtroom a human space with real world qualities of natural light, view, sound – for a variety of reasons including good outcomes of proceedings
2. the importance of transparency and openness and the contradiction between these qualities and the issues of security and privacy
3. how our initial concept for the building resolved this conflict through the introduction of a multi-layered façade
4. the significance of the urban setting and the organisation of public space throughout the building to reflect the institution of justice and its modus operandi.
Bio: 2005 - Design Director, Architectus; ex Professor and Head of School of Design at QUT; ex Head of Architecture at UQ: Co-founder of the Centre for Subtropical Design - QUT and Brisbane City Council Research Institute

Dr Jacqui Horan
Faculty of Law, University of Melbourne

Can juries be fair in an age of terror?
Abstract: Courts around the world are encountering new challenges in the way they conduct trials relating to terrorism. This presentation addresses some of the ways in which the Australian courts have attempted to balance the needs of the government to protect the community from terrorist attacks and the interests of justice that demand alleged terrorists receive a fair trial. The case study of the Benbrika trial, one of Australia's most high profile terrorism trials, was held in Melbourne in 2008. It highlights the pivotal role of the judiciary in balancing the needs of the community against the interests of justice to ensure every defendant receives a fair trial. The presentation will focus on the ways in which the minds of the jurors might be influenced by the court environment of the terrorist trial.

Bio: Jacqueline is a Senior Lecturer in the Faculty of Law at the University of Melbourne and member of the Victorian Bar. Her main research interest is juries. She has completed a PhD thesis on the civil jury system.

Doug Jackman
PhD student, University of Canberra

A study of client services in Australian and New Zealand courts – meeting the needs of court users
Abstract: Client service is an integral part of court administration. It is expected that different courts with different jurisdictions and different stakeholders may place different emphasis on the role that client service plays in the way the court operates. The research literature on service quality makes it clear that while there is perceived to be a direct relationship between how service organisations treat their client service staff and the quality of the service experienced by their clients it also makes it clear that this is by no means a simple or direct relationship [Schneider and White, 2004].

The marketing and service management research literature highlights the wide range of other factors that have been found to influence the effectiveness of service organisations. This includes, but is not limited to, the attitude and competency of service staff, the ways in which services are delivered, where they are delivered, and the strategies, structures and systems that service organisations use to support these processes. All four objectives of the Court Safety Project readily lend themselves to an examination of the impact, planned and actual, that client services are perceived to have on how court users experience the court system. This study looks at client services in a select number of Australian and New Zealand courts that deal with family-related matters. It seeks to compare and contrast client services across these courts in terms of the types of services that are delivered, how they are delivered, what things work, what things have the most impact in meeting user requirements and what the trends are for continuous improvement in service delivery in the foreseeable future. The results are expected to complement the Court Safety Project's findings about how users perceive courts in terms of people, places and processes.

Bio: Doug is currently a session lecturer in Organisational Behavior and tutor in Management for the Faculty of Business and Government at the University of
Canberra in the Australian Capital Territory. He is in the second year of a PhD in Management at the University of Canberra. His thesis will look at client services and job satisfaction and commitment in one Australian court to determine how these factors impact on client service performance and its role in helping court users feel safer while at court. Doug has Masters Degrees in Business and HRM as well as 35 years of experience in the public sector with the last 20 years spent in the human resource management field. In addition to being an early career academic, Doug’s experience extends to being an HRM practitioner, manager, contract executive, consultant and coach.

Cameron Lyon
Director, Lyons Architects

Facilities for ‘Generation Y – me’

Abstract: Much has been written in relation to the durability of justice environments in the design briefs for future projects. These relate to the physical life of the building fabric and the capacity of the facility to provide a degree of flexibility for IT. Little speculation has occurred in relation to the generational change for the ‘digital natives’ that comprise Generation Y. Generation Y, now comprising a cohort up to 30 years old, will assume positions of authority and substantive influence over our current and future court buildings. What will their expectation of justice environments be like when they are appointed as a judge to the Supreme Court?

This paper speculates on the issues that may arise as the more conservative baby boomers retire and the ‘stimulus junkies’ of Generation Y enter the developing justice environment.

Bio: Cameron Lyon is a Director of the Architectural practice of Lyons Architects with specialist expertise in the design of court facilities. Over recent years Cameron has been involved in the new County Court of Victoria, the Sydney West Trial Courts, the Neighbourhood Justice Centre in Melbourne, and Court Planner to Cox Architects for the Perth District Courts. Cameron’s skills are well-grounded in a deep appreciation of what is required to effectively develop a justice facility, the operational imperatives, and those which are particular to the culture of the organisation.

David Marrani
Public Law, University of Essex, Co-director of Anglo French Program in Legal Education

Court rituals in comparative perspective: Law, Justice and the question of Time and Space.

Abstract: In this paper I propose to look at the connection between ritual of justice and psychoanalysis. I consider how the myth of the primal hordes, and the killing of the Father, shows the link between the individuals and the group through civilisation becomes. I analyse what mechanisms are in place to protect the civilisation and particularly the importance of the trial and in turn the importance of ritualisation in and on the trial. The brothers in trial will be reunited again, judging and condemning this act of parricide that reminds them about the primal act of parricide, the original crime. Trial seems, in a way, to hold civilisation, hence the crucial aspect of its ritual. ‘In all ritual sites, some kinds of performance takes place.’ Trials happening in specific space (palaces of justice), through specific timing are conducted in three phases that I believe mirror periods of psychoanalytical work, ultimately linking here too individuals and the group.
Bio: Dr David Marrani is a lecturer in Public and Comparative law at the School of Law at the University of Essex in the UK. He is an expert in French public law in the UK and is committed to inter-disciplinary research, holding also a MA in philosophy and psychoanalysis. His research links notably law, legal theory, philosophy and psychoanalysis. He has been researching specifically on the symbolic position of the judge, showing how the authority of the judge is created and reinforced through a judicial ceremonial (uniform of the judge and judicial architecture).

Dr Rick Mohr
Legal Intersections Research Centre, University of Wollongong

Co-author: Francesco Contini, Research Institute of Judicial Systems (IRSIG-CNR), Bologna

Architectures of Enunciation: Reassembling the Legal
Abstract: The paper explores common elements, conflicts and overlaps between the therapeutic and socially reintegrative functions of courts, their legal traditions, and the related operations of information and communication technologies (ICT). Courts increasingly employ all these ways of operating, while the conflicting logics and demands that these entail are not always well understood. Our thesis is that the interactions of these different traditions are generating new assemblages, qualitatively different from the sum of their parts. We propose that, while there are incompatibilities and conflicts in the logics of their respective approaches, these traditions or technologies can and do operate together in new assemblages. They reassemble by means of coding and recoding, displacement, and mediation.

Bio: Richard Mohr is Director of the Legal Intersections Research Centre (LIRC) and Senior Lecturer in Law at the University of Wollongong, and Managing Editor of the international journal Law Text Culture. After gaining a PhD in Sociology he worked as a public sector manager and a social research consultant working in a range of legal, evaluation, social planning and policy fields. Rick organised the first Representing Justice Conference on court architecture, design and planning in 1998.

Francesco Contini has been a researcher at the Research Institute on Judicial Systems, National Research Council (IRSIG-CNR), Bologna, Italy, since 1996. He has written extensively on processes of institutional and technological change in justice systems and the analysis of policies designed to improve and assess the quality of justice. He has served as a consultant for institutions such as the Council of Europe, the World Bank, and the United Nations Office on Drugs and Crime.

Since signing a memorandum of understanding between IRSIG-CNR and LIRC in 2005 Francesco Contini and Richard Mohr have collaborated in writing the book Judicial Evaluation: Traditions, Innovations and Proposals for Measuring the Quality of Court Performance (VDM Verlag, 2008), and a number of articles published in European journals. They are currently working on an analysis of new and emerging paradigms in justice, from which this paper has been developed.

Ekta Nantani
PhD student

For details, see under ‘Dr Meredith Rossner’ below.
**Judge Laurie Newhook**  
New Zealand Environment Court

Bio: Judge of the Environment Court of New Zealand for 9 years, having previously been a partner of an Auckland law firm and specialising in litigation in the areas of environmental and local government law, land, maritime and construction law, and alternative dispute resolution.

**Dr Meredith Rossner**  
Justice Research Group, University of Western Sydney

**Developing a common story: co-production of a jury narrative**

Abstract: Research on jury deliberation tends to focus on deliberative outcomes such as verdict decisions, and little attention is paid to the actual process of deliberation. This paper analyses a video recording of a mock jury deliberation in a simulated criminal trial, focusing on facial expression, gesture, and discourse. Drawing from ethnomethodology and microsociological theories of interaction, we examine how jurors make sense of the evidence presented to them, and how they work together to collectively produce a coherent narrative of events.

Bio: Dr. Meredith Rossner's research focuses on the social and emotional dynamics of justice interactions including jury deliberation and decision making, restorative justice, and other justice

**Dr Meredith Rossner and Ekta Nankani**

**Examining safety and security incidents across jurisdictions: a preliminary analysis**

Abstract: This paper provides a comparative perspective on how safety and security incidents at court are recorded and analysed across Victoria, South Australia and New Zealand. Using court level incident report data, we present both within-state and inter-state analysis. We employ network analysis techniques to explore the network structure relationships both within and between jurisdictions and statistical techniques such as clustering method to determine how security incidents are similar and different across jurisdictions. Our findings highlight some key issues around data collection and cross state comparisons. This analysis is part of a larger multi-method research project examining the meaning, process, and implication of court safety: ‘Fortress or Sanctuary? Enhancing court safety by managing people, places and processes’ is funded by an ARC linkage grant and is being carried out with partners in Victoria, South Australia, Western Australia, the Family Court and New Zealand.

Bio: **Dr. Meredith Rossner** is a research fellow at the Justice Research Group at the University of Western Sydney. Her research focuses on the social and emotional dynamics of justice interactions, including jury deliberation and decision making, restorative justice, and other justice innovations.

**Ekta Nankani** is a PhD candidate in the School of Computing and Mathematics at the University of Western Sydney. Prior to doctoral studies, Ekta completed her Masters in Science major in Advanced Computing at the University of Technology Sydney. Her research areas include Data Mining, Social network Analysis and Business Intelligence. Her PhD is closely connected with the analytical industry and she has been an active participant in various projects to create collaboration between University and industry experts. She has worked as business intelligence consultant,
data statistical analyst and in academia. Her interest lies with data analytics and enjoys academia role as researcher and lecturer.

**Professor Rick Sarre**  
University of South Australia

Abstract: This paper looks at two important issues alive in court security today. The first is the greater trend towards security and risk management and the heightened responsibility for courts to protect those who work and visit there. The second is the shift to contracting with private security personnel into court precincts. Over the last quarter century there has been a widespread outsourcing of security functions from public to private hands. Today, private sector employees are well recognised in Australia as vital players in prisoner transport and court security. What might this contracting 'in' of security services mean for the risk management of courts?  
Bio: I teach law at UniSA and my specialty is security law.

**Francis Schaff**  
Director-General of Infrastructure, European Court of Justice

**Damian Schofield**  
Digital Media and Computer Games, State University of New York at Oswego

Bio: Professor Schofield is currently the Director of the Human-Computer Interaction Program in the Computer Science Department at the State University of New York, Oswego. He has been involved in the research and development of the use of digital evidence in courtrooms, particularly virtual reconstructions, for many years. Much of his research work is based around developing virtual reality based training environments. The interactive applications developed range from chemical plants to crime scenes and from office environments to driving simulators.

**Christina Spiesel**  
Senior Research Scholar, School of Law, Yale University

Bio: Christina Spiesel is a senior research scholar in law at Yale Law School. Her subjects are visual persuasion, writing, art and visual culture, and digital technology, and has published widely in the fields of law and visual communications. Along with Neal Feigenson, she has recently published a major book on technology and courts, “Law on Display: The Digital Transformation of Legal Persuasion and Judgment” (2009, New York University Press). It is a comprehensive study of how new visual technologies are transforming both the practice and culture of law. She is an adjunct professor at New York Law School and Quinnipiac University, and a Faculty Associate at the Institute for Writing and Thinking at Bard College. She holds an M.A. from the University of Chicago and a B.A from Shimer College. She is also a visual artist, presenting in a number of individual and group exhibitions.

**Anne Wallace**  
University of Canberra

Abstract: Forensic investigation can be both expensive and time-consuming and forensic service managers are under pressure to achieve efficiencies in the way that evidence is prepared and used. Communication technology – generally videoconferencing – can provide a way of taking expert evidence more efficiently, and, potentially, provide access to a wider range of expertise Courts in all Australian jurisdictions have powers to permit evidence to be taken by videoconference or equivalent method, and either have, or are being fitted, with the necessary audio-
visual equipment. Research in one jurisdiction that makes significant use of this technology to take forensic evidence, provides insights into the factors that are taken into account in, applying for, and making decisions about its use. This research indicates a prevailing view, among judges, prosecutors and some forensic scientists, that evidence given on more formal or administrative proceedings, can be given effectively by videconference, while forensic evidence at trial, particularly before a jury, is better given in person. The paper argues that improved facilities and better processes for dealing with videoconferenced forensic evidence can address most of these concerns.

Bio: Anne Wallace is a full-time Ph.D candidate at Sydney University Law School, where she is one of two full-time researchers engaged on a 3-year multi-disciplinary, Australia Research Council-funded study into the use of video-mediated communications in courts (Gateways to Justice). Anne holds an appointment of Adjunct Professor at Denver University Sturm College of Law, where she teaches (virtually) on Court Information Technology. She teaches part-time at the University of Canberra in Forensic Evidence and Justice Studies and her qualifications include a Master of Laws (LLM) from Melbourne University and a Graduate Certificate in Higher Education from the University of Canberra. Anne practiced, primarily as a prosecutor and civil litigator, for 10 years prior to taking up her appointment as Deputy Director of the Australian Institute of Judicial Administration (2003-2006). She is a regional Board member of the International Association of Court Administration.
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Technology - Anne Wallace, Graham Brawn, Greg Battye, Justice Margaret Wilson, Neal Fengerson, Rod Louey-Gung
Adaption - Christina Spiesel, Diane Jones, Marc Saboya
Court Safety - Judge Laurie Newhook, Meredith Rossner, Rick Sarre
Parramatta Justice Precinct - Cameron Lyons and Bates Smart Architects

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