The greatest difficulties encountered in implementing technical assistance recommendations were the following:

- projected costs exceeded available funds;
- facility improvements were to benefit only one agency (the court) but no other agencies housed in the facility;
- the funding agency (usually the county government) either did not consider the court's facility problems serious or rejected the proposed solutions as infeasible;
- preexisting polarizations of agency viewpoints resulted in fairly objective recommendations being unacceptable and nonnegotiable.

Even relatively minor recommended changes did not meet with uniform acceptance by funding authorities. Funds for courthouse renovation or construction were invariably scarce. Although the court agencies requesting technical assistance accepted most of the consultants' recommendations, including suggestions for detailed space use changes as well as conceptual planning, transforming these recommendations into actualities often proved difficult. Only where the changes could be made by the requesting agency itself, and involved nothing more than the reorganization of existing spaces, could the recommendations be easily implemented. Generally, however, these situations did not occur in the jurisdictions which had the greatest court facility problems.

In retrospect, perhaps the most striking aspects of these studies concerned what may be termed resource investment planning. It was rare to find a facility viewed as a resource and managed according to a policy that was sensitive to initial investment as well as continuing operating costs and anticipated life-time benefits. Instead, government usually responded only to the crises that appeared when caseload growth and other problems had created intolerable facility inadequacies. Criteria for facility planning provided in the few published guidelines that existed were irrelevant to most government authorities selecting feasible options. Nevertheless, the court has to function regardless of the condition of its facility.

During the course of technical assistance service provision, it became apparent that many of the space problems facing state and local courts in this country could be avoided through a program of systematic facility planning. This subject is treated at length in the following chapter.
V. Developing a Court Facility Planning Capability
V. DEVELOPING A COURT FACILITY PLANNING CAPABILITY

Facility planning proceeds in two major steps: a determination of facility needs and development of appropriate remedies. At the local level, facility planning responds to local conditions, especially the facility needs of trial courts and the problems of existing facilities. At the state level the focus is somewhat broader. State-level planning concentrates on overall costs and on providing equivalent facilities everywhere in the state. Some state court administrative offices also provide local court agencies with technical assistance for their specific local facility problems.

This chapter is directed mainly toward local planning activities which are developed in response to local needs, although they also provide input for statewide planning. Many topics of interest to state planners are also covered, however.

In Chapter IV, the major facility deficiencies in local courts were categorized as those of insufficient space, inadequate facilities, inadequate security, and the lack of system-wide planning. These categories provide a general description of the overt symptoms of space deficiencies in state and local courts; to begin solving these problems, however, it is necessary to identify their specific causes and to respond to them in the light of current and expected future facility needs.

Manifestations of facility problems are quite apparent to most persons working in courthouses: file storage overflowing into closets and corridors; awkwardly located offices which seem to make it unnecessarily difficult for persons in related operations to work together; excessive and annoying movement around the building in order to process simple matters; people without a place to sit waiting to make court appearances; handcuffed prisoners and guards riding the public elevators in company with jurors, judges, staff and public; one hundred jurors assembled in a room which, at best, can seat only fifty; courtrooms where the judge cannot see the witnesses; etc., etc.

Planners usually are asked to respond to these space problem symptoms, in other words, to deal with crises. The essence of planning, however, is to establish conditions which minimize the likelihood of crises. To bring about such conditions planners must anticipate problems before they occur.

A. Principles of Court Facility Planning

1. General Planning Concepts

To determine what sort of facility is needed to house a given judicial system, information must be collected about all facets of judicial
operations that can then be translated into facility needs for each operational element. Among the information items which must be collected are the following:

- how much space,
- in what location,
- of what physical characteristics,
- with what amenities and environmental conditions,
- of what general shape and arrangement must the space be?

This initial categorization of space needs will permit ready identification of changes in a court's facility requirements and can be performed through a quick numerical method of assessment. Assessing long-term facility needs, however, is a complex process, and the needs are often difficult to state. For these reasons, it is important to approach facility planning within a proper analytical framework.

The planning rationale described in this chapter draws heavily upon concepts from the field of systems analysis which can be applied to facility analysis. These concepts are particularly applicable to analysing the case processing operations of a court and the relationship of the case processing system and the use of space. They also permit analysis of a court's operations (and a comparison of those of different courts) through the use of conceptual models that relate space, operations, and cost factors to each other.

This procedure permits an examination of the trade-offs between specific operating procedures and their space needs in relation to the cost of maintaining a given level of caseflow. This procedure also permits a comparison of different courts according to a rational system of analysis and an estimation of the benefits, if any, of changing their operations or space use. It is especially useful for developing a program of facility needs that can accurately describe the space requirements for a new facility in reference to the procedures that will be used for moving cases through the court. The results of these analyses permit examination of the trade-offs between specific operating procedures and their associated space needs with the costs of maintaining a given level of caseflow.

Court facilities must function over long periods of time, accommodating whatever changes become necessary in their courts' operations. Some means are therefore also needed for estimating what the future facility needs of a court may turn out to be. In that search, caseload forecasts are a basis for anticipating the possible needs for future numbers and types of case processing units. Despite all the unreliability inherent in long-range forecasting techniques, we must maintain a degree of reliance on these techniques in order to orient our planning for new or modified facilities.
Another element with a marked effect on court facility planning is the need for security and propriety in daily operations. The impact of security needs on the architectural plans of court facilities is reflected in the arrangements of access and circulation within them and can be evaluated to include the square feet and cost of the spaces contributing to facility security. Techniques for incorporating these various factors into a coherent facility plan are discussed in following sections of this chapter.

2. Treating Courts as Systems

By taking a simple, undramatic look at how courts operate, we are able to find at least one aspect in which court operations can be analyzed as a system: case process.

Disputes first come to a court's attention when cases are filed with the court clerk. The cases then go through various procedural steps as the parties to the disputes press their claims and as the court acts to resolve the cases. At some time after filing, every case is closed, so far as those procedural steps are concerned. Some cases are resolved either by the court's disposition or by some form of settlement. Other cases wither away until they are forgotten by everyone but the clerk, who still holds the case records, but, under some court rules, is eventually permitted to close them.

The business of resolving a case thus involves:
- case filing (input) -- a beginning;
- a sequence of procedures over a period of time-- a process
- and a disposition (output) -- an end.

The procedural steps by which a court handles its cases constitute a case processing system in which cases flow, over a period of time, from the system's input to its output. A number of individuals, agencies and functions are involved in the process, all of which must be considered in developing the court's facility plan.

3. Taking Different Perspectives into Account

The space needs of a court facility must be assessed from a variety of perspectives, including those of the various users of the courthouse and the space implications of the numerous functions that are performed. Among the factors that must be considered are:
- numbers of persons involved in each different category of participation, such as counsel, witnesses, public, etc.;
- circulation patterns (movements) of each category of participant;
- functions of each category of participant (e.g., witness testifies from witness stand under examination by counsel);
- scenario of events taking place within each space in the facility.

Facility planners view a facility as a system of spaces made up of functional areas where defineable activities are conducted. Facility planning is, thus, concerned with defining the size of the area needed for each functional space and the circulation system (or systems) relating functional spaces to each other. Two types of decisions about space are made by facility planners: (1) how much space does each participant and function need, and (2) where should each space be located.

Judicial personnel, on the other hand, may have a different concept of a judicial facility from that of facility planners, seeing it as the surroundings in which a related group of activities take place, all connected with processing the judicial matters that constitute the business of a court. In that concept, a courthouse is a building where cases are filed, judicial decisions are rendered, and all the intermediate steps in the judicial process take place. It is not so much a system of spaces as a system of functions taking place within a courthouse.

Neither the judicial perspective nor the planning view is wrong. They represent different perspectives on the same topic.

Judicial functions, as applied to spaces, must be translated into architectural functions in order to be given meaning for determining facility needs. For example, spaces needed for non-jury trials as compared to jury trials have these significant differences:

- space for jury observation and deliberation are not needed;
- placements, actions, sightlines, and acoustic relationships of participants are different;
- a different treatment of surface textures and furnishings may reflect a different psychological environment;
- there is no need to provide for circulation of jurors to an assembly space.

Judicial proceedings in non-jury and jury trials may differ for other reasons also, such as a more active role for the judge and different forms of argument, examinations, and other trial tactics. These
factors, however, are not directly useful in facility planning until they are translated into their space implications.

4. **Distinguishing Between Functions and Operations**

The terms "function" and "operation" have somewhat similar meanings and frequently are used interchangeably, but their distinctions should be kept in mind. The term "function" describes the purpose or goal of an aspect of court work; the term "operation" describes a processing activity incident to performing a function. For example, one function of a county clerk might be to issue marriage licenses upon proper application. In performing that function several operations take place, including storage of forms, issuance of applications by mail or at a public counter, inspection of applications, handling money, validating licenses, and issuing licenses. Personnel involved in those operations may perform other county clerk functions as well, or they may be involved in only one operation of that function. The organization of staff to perform functional operations has a bearing on the spatial relationships which should be provided in each office and, consequently, the appropriate floor plan. The public counter, for example, could be segregated into areas for specific functions if convenient (i.e., marriage licenses at one area, dog licenses at another, handling cash at another, filing of civil or criminal cases at another) or there could be one area for all functions, arranged for the various operations involved and sharing common equipment.

Opinions regarding the optimal arrangements of space to perform court functions will depend upon the perspective one has as to the role of the function in the total justice system. A county clerk might be interested in the clerk's office operations from a department manager's viewpoint and seek to use the space, personnel, time, and financial resources most efficiently. A county judge, however, might be more interested in the functions of the county clerk's office which affect court records' availability than he is in the operations which actually bring them to court. A facility planner must be interested in all existing operations and in the operational changes likely in the future, so that effective space relationships can be devised to house the operations over a period of time.

5. **Recognizing the Relationship Between Court Space and Court Operations**

There is no lack of awareness that the improvement or replacement of facilities is expensive. It is not so widely appreciated, however, that the retention of outmoded or inefficient facilities also is expensive. How much of the operating budget of any court is a direct consequence of poor space use? In point of fact, any operating cost that can be attributed to poor space use is wasteful, but how often do we pay real attention to that drain on our scarce resources? It is doubtful that any court budget includes space use inefficiency as a cost item because we
are not accustomed to measuring its cost consequences in terms of additional personnel or increased case processing delay.

We do understand, however, that some citizen-users of our courts hold low opinions about the judicial system. We might well find that some part of the disrespect shown for the system — and the law — traces back to the disrespect some agencies of government illustrate by the disgraceful conditions they permit in court facilities. There is a direct relationship between the space provided to a court system and the cost and efficiency of its operations.

B. Adapting a Planning Strategy

1. Identifying facility needs

In most cases, a comprehensive planning strategy must be developed which addresses fundamental causes rather than superficial symptoms. A comprehensive planning strategy must include:

- determining a court's facility needs as they exist today and as they can be forecast into the future;
- evaluating the capability of the existing facility to accommodate present and projected needs;
- assessing the facility's deficiencies in terms of their importance for the court's present operations and their probable future significance;
- developing a program to remedy the deficiencies, including immediate and long-term remedies, which includes consideration of such options as: reorganization, renovation or expansion of existing facilities; lease or purchase of available facilities to supplement or replace existing facilities; construction of new facilities.

The task of identifying a court's facility needs requires a description of all of the spaces needed by a court to function properly: courtrooms, judges' chambers, clerical offices, corridors, etc. Among the information which must be gathered are the following items:

- what type of spaces are needed?
- how many of each type of space is needed?
- what size should each type of space be?
- how should the spaces be located in relation to one another?
- how should the spaces be related to public, private, and secure corridors?

- what physical features should the spaces have?

Needs must be determined by analysing the court and its facility as a single integrated system and treating the facility as a resource whose attributes contribute to the processing of cases. Court facility needs must, therefore, be analysed in terms of the case processing business of the court, rather than solely in reference to the physical plant. The analysis must take into account both current practice and expected future developments in caseload levels and case-handling techniques.

It must be stressed that court facility needs do not exist in isolation from personnel and equipment needs and facility planning must take into significant account the personnel and equipment requirements for the court in arriving at space needs.

2. Evaluating Existing Facilities

Once a statement of facility needs is developed, an existing facility can then be evaluated to determine how well it satisfies those needs. Are there enough courtrooms? Are they the proper sizes and types for the judicial proceedings assigned to them? Are functions that would benefit from close physical relationship appropriately located? These particular questions are representative of the many that could be formulated. The evaluation process, however, will always include four topics:

- are all required spaces actually located in (or near) the courthouse?

- is the area of each existing space adequate for its intended use?

- is the accessibility of each space appropriate to its use?

- are the accommodations satisfactory?

3. Assessing Facility Deficiencies

The facility evaluation results will highlight space deficiencies which can then be further analysed to identify their causes. For example, the lack of a jury assembly room may turn out to result from the storage of inactive files in a space which (a) would be suitable for jury assembly and (b) could be made available, if (c) the files were purged of unnecessary material and (d) some were relocated to suitable space on or off the premises. Facility deficiencies highlighted by this
type of analysis can be ranked according to their importance to the effective operation of the court so that a corresponding prioritized program of corrective actions can be prepared.

Some deficiencies are temporary, caused by such unusual short-lived situations as the presence of a visiting judge for whom courtroom and chamber space is lacking. These deficiencies do not require the same long-range solutions as those which result from fundamental changes in court activity, such as a year-after-year increase in the proportion of criminal cases on the total docket which may require the permanent addition of security and prisoner handling features.

4. Developing Action Programs

Once facility problems are identified and analysed in terms of their causes, an action program must be developed to address both current deficiencies and future needs. Such a program must be formulated in reference to feasible options for remedying these deficiencies, which might include improving existing facilities, lease or purchasing additional facilities, or constructing new facilities. These various options are discussed briefly below.

a. Improving Existing Facilities

The possibility of remedying specific deficiencies in the existing facility through renovation or reorganization must always be considered. Virtually any court facility, large or small, that has been in use for at least a decade probably can benefit from a reorganization of space use. Space use should be examined in a regular and continuing management space program and be adjusted to keep in tune with developing needs.

However, although reorganization can increase the efficiency of space use and improve inadequate space allocations by more effectively assigning amounts of space to all activities, it cannot create new space. Sometimes, however, additional space can be created by interior renovations. Space can, in effect, be shifted from one room where it is not needed, to another where it is needed, by moving a common wall. New offices can be built in the unused balcony of an old courtroom. Wasteful large spaces can be made into a variety of more useful smaller ones. Renovation is also a way to repair physical deficiencies in a facility otherwise worth saving.

b. Expanding Existing Facilities

Although a combination of reorganization and renovation measures can frequently make substantial improvements in the adequacy and utility of space, where caseloads have grown well beyond the capacity of a facility, expansion may be the only way to obtain sufficient space. Space may have to be located for horizontal expansion and/or a determination may have to be made as to whether the structure is
suitable for vertical expansion. In any event, great care must be exercised to minimize the interruption of ongoing court operations by any construction work.

Experience has shown that expansion is rarely fully successful except in facilities which originally were planned for later expansion. Staged growth is, therefore, becoming an increasingly important consideration for new court facilities, although ad hoc expansion sometimes represents the only feasible means of acquiring necessary court space.

c. Procuring Additional Facilities

When deficiencies in a courthouse are overwhelming, a new facility may be the best answer. However, before assuming that no other remedy is feasible, other alternatives should be considered. If there is little reason to believe that future developments will justify the cost of a new building, and if the existing facility is structurally sound, it may be more effective to lease space that is, or can be made, suitable for certain court functions. Some court-related activities, such as those of the prosecutor, public defender, probation and parole offices, can function satisfactorily in conventional office spaces located away from courtrooms. These offices are, therefore, prime candidates to be relocated to adjacent buildings, making courthouse space available for renovation to provide more courtrooms. As a temporary measure, leased office space can be an expedient, but adequate leased courtroom space can be difficult to find and expensive to renovate, because courtrooms impose unique physical requirements. If renovations in a leased facility are needed, they probably will be expensive because an owner would expect to recover renovation costs within the duration of even a short lease.

d. Constructing New Facilities

Although a facility planner can exercise a broad range of sophistication and innovation in planning a new facility, control and understanding are also necessary to prevent costs from soaring. The need for a new facility rather than a supplement to an existing courthouse, is established when the combination of costs to repair, maintain, operate, and upgrade an existing facility at an adequate level of quality, plus the expected future additional cost of ownership, make new construction the most feasible alternative.

C. Developing a Comprehensive Planning Program

The process of planning should address two questions about a given situation: What can be done about it?; What should be done about it? The first answer structures possible courses of action that might move a situation from its current condition to a desired future condition. The task of arriving at such answers is the subject of this
section. The second answer provides a judgment regarding the course of action which is best to follow. The complexities of that task will be discussed in Section D.

1. Distinguishing Between Facility Problems and Functional Problems

A broad range of options is available to remedy facility problems: reorganizing, renovating, or expanding existing facilities; leasing or purchasing additional space; and/or constructing new facilities. Often these physical solutions to facility problems are actually responses to situations which might better be termed functional or operational problems, rather than facility problems.

In the strictest sense, typical facility problems include a lack of air conditioning, a fire hazard, a leaking roof, or unsafe structural conditions. Other often-cited facility problems might be a lack of sufficient courtrooms or other spaces necessary for handling a given caseload. It must be said, however, that when examined closely and objectively, many of these latter "facility problems" are symptoms of functional problems that might be less expensively and more effectively solved through operational measures rather than space planning measures.

Consider, for example, the situation of a multi-courtroom facility where a particular courtroom is used only about half the time because it is assigned to a judge whose caseload requires a high proportion of conference and other off-bench time. This is neither an unusual situation nor an intolerable one, so long as there is a courtroom for each judge and a caseload which is matched by a satisfactory case processing rate. However, if the caseload were to increase to the extent that additional case processing capacity became needed, would there now be a facility problem or a functional problem? Would space be short or would it be inefficiently used?

Another frequently encountered "facility problem" is that of providing storage space for clerks' files. Case files are not the most difficult problem, at least in clerks' offices, because most civil and criminal records can generally be purged or archived within a provided period or other reasonably short period after termination of a case. Land records, wills, and estate records, however, present a much more critical problem because they continue to grow, year after year, with an inevitability matched by their increasing usage. Technology offers many ways to reduce such storage space requirements by shrinking the physical size of the information content and storing it, perhaps in a different format or on a different medium.

It is the change of storage medium that makes possible a reduction of storage space needs but, paradoxically, also reduces the techniques acceptance by court personnel. Among the reasons offered for lack of acceptance of new techniques, several are prominent:
The life of the new media is not well proven; they may not last as long as the original documents and hard copies.

The accessibility of the new media is not as easy as it was under the old system; users of the filed material will not be able to receive the service to which they are accustomed or which they need.

Users may not accommodate themselves to the new media.

A large investment in equipment is necessary; the county just cannot afford it.

The documents actually filed with the clerk represent the entities which are mandated to the clerk's care and custody; copies are not legally accepted substitutes.

Introducing this situation as a facility problem merely states it in the same way that it is normally described by courts when they set out to find more file storage space. Clearly, storage space is a fundamental facility need in any court; however, it is not so clear that continuation of existing file practices is an appropriate way to establish the dimensions of the problem. The cost of moving a standard legal file cabinet to a new building includes about $700 just to build the space it requires! Does this "hidden cost" make the need for more efficient filing systems more compelling?

Two of the most frequently considered techniques for reducing space needs for file storage and retrieval are microfilm systems and computer systems, but neither has yet been widely adopted. In addition to the technical reasons just mentioned, two other reasons must be noted. First, court staffs are not always able to comprehend the full significance of either the technology, per se, or its potential impact on court operations. As a consequence, there may be a lack of confidence in the systems, a lack of knowledge of their existence or, on the other hand, an excessive and unwarranted belief in their benefits. Second, there is a common failure to systematically examine the file storage problem as a true facility problem in which space needs, equipment needs, and personnel needs interact, and then to determine the benefits and costs of alternate ways of filing, storing, updating, and retrieving court records.

2. Allocating Resources

Courts use three major resources to carry out their activities: personnel, equipment, and space. As previously noted, each category interacts with the others to determine the total costs for performing a particular function or process and the degree of effectiveness with which it can be achieved.
For each court activity or process a choice must be made regarding how best to mix the three types of resources: what combination of space, people, and equipment will best facilitate the activity at an acceptable cost? Facility planning is aimed at determining the best mix of these resources, in the context of current and anticipated future facility needs. Making these decisions requires a comparison of financial, performance, and image costs associated with various options.

a. Making Cost Comparisons

Cost measurements of each court activity component can be made fairly easily. Court buildings have an initial cost of construction, in addition to ongoing costs for operation, maintenance, repair, and modification. The emphasis given to modification costs is intentional. Most court buildings are technically useful much longer than the functions taking place within them remain constant. In short, the buildings are operable, or can be repaired to remain operable, long after the specific functional needs have changed for which they have been planned. Over the course of a building's lifetime, it will inevitably have to be modified or renovated to become suitable for new programs, new processes, and different quantities and mixes of caseloads.

If construction is contemplated, a simple method for estimating costs involves the calculation of the gross square feet and the net square feet of the proposed building and then multiplying their ratio (1.54 to 1 is reasonable) by the approximate construction cost per square foot in the jurisdiction (currently somewhere in the range of $70 to $90 for metropolitan courthouses). Gross square feet describes the total area of the building, including all spaces, and is commonly used in estimating construction costs. Net square feet, however, describes the functional spaces where courts conduct their work and is computed exclusive of building services areas, i.e., public hallways, stairs, elevator, wall thicknesses, etc. The computation of net square feet is a useful tool for comparing different buildings or different floor plans for one building. Using the formula provided above, the cost per net square foot can be derived by multiplying the costs per gross square foot by the gross to net ratio.

This type of analysis permits the comparison of different space use proposals but should not be considered as an accurate alternative to a detailed cost estimate. The gross square foot method, given accurate data to rely upon, is very useful, but is based on the average cost of all construction methods, finishes, and materials. Consequently, it is less useful for comparing the costs of different structural or aesthetic approaches and should be used simply for providing an initial indication of the relative costs involved in various space options.

b. Making Performance Comparisons

Performance measures are common for equipment and personnel operations, but far less so for space. Computer performance is
measured by such factors as throughput, processing rate, storage capacity, response time, input capacity, etc. Other equipment, from pencils to typewriters to photocopiers, can similarly be described in terms of the adequacy of its performance based on intended use. On the other hand, measuring the performance of personnel operating in various capacities from file clerks to judges has been the subject of many studies and almost as many controversies. The general terms of reference, however, are reasonably clear, even if there is some disagreement about specific performance measures. The subject of building performance, however, introduces unfamiliar territory. Although many of the published space standards for court facilities imply performance measures when they state minimum or desirable areas for types of spaces and list the different types of spaces required for court proceedings. These are, at best, no more than indirect measures. Published standards rarely treat the effect of space allocations on a court's case processing capacity or other performance gauges. It is probably easier to approach this subject from the perspective of showing how certain dysfunctions in a building can lead to problems with caseflow, security, public convenience, or other matters.


c. Making "Image" Comparisons

In one sense, we are accustomed to measuring a court building by its aesthetic image. The aesthetic image is an architectural concept of how a building should represent and convey the purpose and meaning of the court it houses. The exteriors and interiors of court structures should produce an effect upon the people who use them reflective of the philosophy and dignity associated with the concept of justice often engraved upon their facades.

Design features alone, however, do not make up a court building's image. Personnel practices and equipment usage can also contribute significantly to the total image of the environment which is conveyed. For example, an image of the court is conveyed when a citizen, wishing to file papers or obtain information, is confronted by a clerk who, when his attention can be secured, walks slowly to a dusty filing cabinet, pulls out a twenty-five pound book, blows off the accumulated dust, opens it to a page in its second inch of thickness, dips his pen in an ink bottle, and proceeds to make the required entry. Contrast this image with that of a well-staffed clerk's office where, upon receipt of a filing, a clerk turns to a computer terminal, types a brief entry, looks at the video display -- perhaps also receiving a printout -- and responds with an index number and an announcement that the matter has been entered into the permanent file. The difference in image is strong.

3. Accommodating Future Needs into the Action Plan

a. Importance of long-term planning

Facility planning consists not only of determining needs and
structuring options for action but, also, of selecting the responses most likely to produce the desired result and remain useful for as long a time as possible. Plans are derived from simplified models of the situations they are intended to manage (i.e., models that have been abstracted and simplified until they can be understood and manipulated). The planning environment, however, must include all of the complexities of current operations; it cannot be simplified. No planning response can be isolated from the passage of time or from its interaction with related but uncontrolled factors. Thus, the likelihood of a plan's ultimate success depends strongly upon just those facts we would prefer to eliminate from consideration because they are awkward or unforeseeable in their effects.

Facilities exist functionally in two dimensions, space and time: the finite spaces of their interior floor plans and the span of years during which they remain in use. Unfortunately, "to remain in use" does not always mean the same thing as "to remain useful". If a facility's functional requirements change with time, its interior space plan may become obsolete. To remain useful, the space plan may have to be altered to match new requirements, although such modifications can be difficult to accomplish unless their likelihood has been foreseen throughout the facility's construction history. Several strategies for including in the planning process the probability that needs will change are described below. Some of these strategies are specific techniques for allowing a facility to grow and alter; others simply represent alternative ways for allocating available resources.

b. The Need for Growth Staging

Unless careful and explicit planning has been made to accommodate growth needs in defined stages, the ad hoc expansion of a facility will rarely be satisfactory. Without growth planning built into the initial facility design, the cumulative investment required to make the facility adequate for given stages of development will be higher than necessary and the functional quality resulting may well be less than adequate.

The projected development of facility needs should be responded to in stages which are economically feasible and which permit a long and effective functional lifetime for the growing facility. Decisions must be reached early on as to the points at which the expected growth of case processing needs will require facility expansion. In devising the growth staging plan, the following considerations should be kept in mind:

- actual needs may grow either more or less rapidly than expected;
- if expected needs do not develop (and alternative uses for the space cannot found), unnecessary costs will have been incurred in constructing and carrying unused space;
ongoing operations will be excessively disrupted and costs will mount if additional space is constructed in too-small increments.

There is, thus, a risk in determining when the optimal time to expand will occur and how large that expansion should be. Not only does construction disrupt a court's work and frustrate its personnel, but the question must be considered -- how many times can we go to the well? Most administrators will opt for the biggest chunk of construction they believe can be landed, so as to avoid having to seek construction money too often. Another factor to weigh in planning for staged growth is the time interval that will pass between the point of initial planning and the time final occupancy of the court facility takes place, especially in large, bureaucratically-strangled cities, where it can reach ten years. Obsolescence may be well underway before the first court session can be held.

In a new facility, initial construction ought to be planned to produce a building adequate for at least ten years of occupancy, and, preferably, fifteen or twenty, depending on the duration of construction and renovation periods. The dust ought to be allowed to settle before the next round of renovation begins. Planned stages of future growth must not be so rigid as to deny to future planners options to adapt the facility to its demonstrated needs. The facility's space plans must, thus, permit a high degree of flexibility and adaptation.

Although the need for long-term planning is critical, it should also be recognized that forecasts of caseloads and case processing needs can lose their validity if they look too far ahead. For example, the period of unprecedented caseload changes we have been experiencing since the end of World War II does not offer statistically valid bases for long-range forecasts of caseloads or facility needs. There is no way to be certain how long those trends will continue. Nevertheless, when a facility is needed, it must be built, whether or not our view of the future is accurate. This subject is addressed in greater depth in the following chapter.

c. Purchasing or Leasing Additional Space as an Interim Measure: Pros and Cons

Nothing that has been said so far is intended to rule out the use of leased or purchased space as an appropriate means of accommodating staged growth needs. On the contrary, this is an attractive option when future needs are uncertain but current needs are pressing. Several technical problems, however, are likely to affect the quality of such adapted facilities for court use.

Industrial buildings and office buildings (commercial and government) are the usual candidates for lease or purchase. They have some inherent drawbacks as potential court facilities which may be overcome, at least partially, by ingenious designs, but at considerable renovation costs. For example, courtrooms require spaces whose height
and column-free floor areas are not usually found in buildings which were not planned for court uses. Most authorities agree that a minimum sized trial courtroom (jury or non-jury) should not be smaller than about thirty feet by forty feet, with a corresponding floor-to-ceiling height of at least eleven feet. Spaces of such dimensions are not common in office buildings or even in industrial buildings, although they may be found in large department stores.

Security and other needs may dictate that separate vertical and horizontal circulation systems for detained persons be provided in a court facility. Although renovations can be partially successful in creating such circulation systems, they are very likely to be expensive, perhaps prohibitively so. Similarly, spaces for the secure detention and circulation of prisoners, although necessary in a criminal court facility, have little value on the rest of the real estate market and would be offered in a lease only if the full cost of their construction and removal was included.

A more practical solution to the use of space in non-court facilities is to adapt them to court-related functions not requiring proximity to courtroom and detention activities. Office buildings are architecturally suitable for many clerical functions and for prosecutors', defenders', probation, parole, and administrative offices. If distances between suitable leased facilities and the existing courthouse are negligible, it may be quite feasible to separate ancillary functions from courtroom-related functions by locating the former in other buildings and renovating the court facility to increase the number of courtrooms and detention spaces available.

4. Choosing the Right Option

If the relative implementation costs and effectiveness of each of several planning options can be measured, these measurements can provide a rational basis for comparing the options and choosing among them. Such an analysis, however, involves assessing the value of all of the options over a long period of time, during which the needs they were intended to meet probably will have changed in unpredictable ways.

Facility needs exist in a dynamic environment, changing in type and quantity during a facility's physical lifetime. The amount of space needed for each activity may change, new activities may be introduced and old ones dropped, programs may be added or updated or changed, the mix of types of caseload may alter. In large and small courts alike, changes of this nature have become routine in the last several decades. Given this situation, the value of a carefully formulated solution, tailored precisely to current needs, must be discounted against the cost and difficulty of modifying it to meet unanticipated needs which arise in the future. This dilemma highlights the desirability for the selection of more flexible and general options, rather than fixed and specific solutions.
5. **Knowing When to Defer Decisions**

When decisions must be reached in the face of the uncertainties presented by unknown future facility needs, a good general rule is that where the degree of uncertainty is large, it may be wise to defer decisions whose impact may be irrevocable. Interim arrangements frequently can be made which are not too specifically keyed either to the type or quantity of estimated long-range needs. Such arrangements can allow more costly action to be deferred until a more reliable estimate of future needs can be formed. Greater reliance can be put, temporarily, upon the use of personnel and equipment, rather than space. Similarly, construction can be deferred in favor of purchasing or leasing space on a temporary basis. It also may be possible to develop flexible space-use options with a more generalized range of applications.

6. **Strategies for Estimating Costs**

When choosing among options, the cost of each facility component should be measured on a comparable basis so that an accurate indication of any actual cost differences can be obtained. Among the factors that should be compared is the anticipated duration of the space need and the expected useful lifetime of the options to address it. For instance, a clearly temporary requirement to increase case handling capacity for a particular type of proceeding or for a short-term backlog reduction program, will not ordinarily justify the same cost as a long-term need for additional capacity based upon a sizeable and steady increase in county population. The manner chosen to satisfy short-term or interim facility needs should not generally involve extensive construction or modification costs, specialized training for personnel in temporary jobs, or the installation of expensive equipment dedicated solely to meeting these interim needs. It at all possible, resources allocated to meet particular space needs should be directed towards the options which offer a useful lifetime reasonably matched with the estimated duration of the need.

When comparing different options, it is also desirable to annualize their costs, that is, to divide the total cost of each option by its estimated number of years of use. Because the initial and continuing costs of changes may accrue for a longer period than their useful life, this procedure discounts the economic value of solutions which may appear to be inexpensive initially but whose costs recur long after the need for the solutions has ended.

Costs are not budgets, however, and the lowest-cost method for achieving a desired result may not be possible to choose because it may not be possible to convey the financial advantages of the method within the constraints imposed by mandatory budget procedures. Capital budgets and expense budgets often present markedly different problems and opportunities for obtaining and allocating funds. From an analytic viewpoint, little can be said about this topic except to note that it may