



## **THE JURY ENVIRONMENT**

### **Jury Research and Practice Conference**

#### **Banco Court, Supreme Court of Queensland**

**14 November 2008**

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#### **Justice Margaret Wilson**

I have been asked to say a few words about “The Jury Environment”.

According to the Macquarie Dictionary one of the meanings of “environment” is “the aggregate of surrounding things, conditions or influences”. So the jury environment is the aggregate of:

- 1 the physical surrounds;
- 2 the traditions and rituals surrounding the jurors’ role as triers of fact; and
3. the sometimes singular atmosphere created by the conduct and presence of the presiding judge or that of the judge and counsel.

The jury is an institution we treasure as the best means of ensuring individual and community confidence in our criminal justice system. We hear so often that jury service can be a stressful experience: 12 people, previously unknown to each other, being thrown together and largely isolated from the rest of the world while they decide whether another human being has been proved guilty of an offence.

There is a positive duty on the Judiciary and the Executive to do all that is reasonably practicable to ensure the jurors’ comfort and convenience. I say the Judiciary because it is the Judges who control the conduct of the Courts. And I say the Executive because it is that arm of Government which provides the resources without which Courts cannot function.

As the Chief Justice told you in his address, here in Queensland we are very excited about the new building which is to house the Supreme Court and the District Court.



Construction is under way, and we aim to have it finished in 2011.

The timing is significant. The Moreton Bay Colony was originally part of New South Wales. We separated from New South Wales, and became Queensland, in 1859. Two years later, in 1861, the Supreme Court of Queensland was established. So the opening of the new courthouse in 2011 will mark the 150<sup>th</sup> anniversary of the Supreme Court of Queensland.

In planning the new building, a good deal of time has been invested in analysing jury needs. We want to make their facilities functional, secure and attractive. These features are not discrete; they overlap.

The new courthouse will have approximately 40 courtrooms, more than half of them with criminal jury facilities.

Jury facilities are much more than a jury box in a courtroom and a jury room. They must take account of the jurors' presence and functioning within the building from the moment they first arrive until they leave at the end of the trial after delivering their verdict.

Let me tell you a little of what we are planning.

When the potential jurors arrive at the courthouse on the first morning, they will enter through security and take the public lifts to the second floor. There they will be met and taken into the jury assembly room – a large space (225 square metres) functionally and comfortably furnished.

From that point, they will have their own circulation system. There will be a series of jurors' lifts servicing the courtrooms. On arrival on a court floor, they will enter the courtroom without entering the public circulation system.

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Perspective

BRIBBANE SUPREME COURT AND DISTRICT COURT



Court Room

This image is one of the early designs of the courtrooms. Note the simple, clean lines and the profusion of natural light. The final layout is not decided. A prototype courtroom will be built early next year, and through trial and error we hope to arrive at the optimum layout.

Some things are given –

The importance of sight lines and acoustics for everyone.

That the jury box be large enough for 14 persons in regular seating and one wheelchair bound person. (Under Qld law there can be up to 3 reserve jurors.)

That there be adequate technological aids.

The jury room (40-45 square metres) will be accessible from the courtroom. Its ceiling will be lower than that in the courtroom. There will be lots of natural light through a big window and a skylight. The jury room will be furnished with a conference table and chairs as well as some lounge chairs. There will be adequate technology and white boards, and, of course, tea and coffee making facilities. There will be toilets (one regular toilet and one suitable for use by disabled jurors) within the secured jury area but not opening into the jury room itself, so affording jurors a little privacy.

During a luncheon adjournment or at the end of the day the jury will return to the second floor by their own lift. As well as the jury assembly room there, there will be a jury lounge (9x14 metres) and four jury dining rooms. There will also be a smaller lounge with an outdoor landing to accommodate smokers.

The jurors will leave the building by their own lift, which will carry them from the second floor to the ground floor, where they will be able to exit without going back through security. Sometimes jurors need to be transported by bus – for example, on a view or to overnight accommodation. That same lift will also travel to the basement, where there will be a jury bus set down point. (I might add that that set down point will be quite secure from the prison van set down point, and that the jurors will have no access to the Judges' parking area.)

So those are our plans for the jury's built environment.

Much has been written about the traditions and rituals of judicial proceedings (the form and order of proceedings, the formal style of communications between people in the courtroom, the dress of the Judge and counsel, etc) and their positive and negative impressions on juries. Suffice it for me to say that those traditions and rituals are widely accepted as important to the continuity and authority of the criminal justice system.

The Judges are not only part of that system; we are also the interface between it and the community it serves. That is one of our most important roles.

Setting the right tone for a criminal trial is a challenging aspect of that role. That tone is part of the environment in which a jury works. It contributes, sometimes quite obviously, sometimes very subtly, to their level of comfort and sense of being valued, and ultimately to the way they go about their task.

How this is done varies from Judge to Judge, and from case to case. It involves a simultaneous projection of authority, humility, confidence and readiness to hear both sides. Our demeanour, voice qualities and body language will modulate the tone of the proceedings. As Judges we need to be always conscious of the image of justice created by our own behaviour in Court.

There are many different people involved in the conduct of a jury trial, some of them working assiduously behind the scenes and some very visibly in the courtroom itself. Both individually and corporately, we aspire to improve the jury environment, and together, "Yes, we can!"