



Analysing courthouses' spaces, places and architecture: some methodological outlines

OÑATI SOCIO-LEGAL SERIES VOLUME 13, ISSUE S1 (2023), S278–S298: EMPIRICAL RESEARCH WITH JUDICIAL OFFICERS AND COURTS: METHODS AND PRACTICES

DOI LINK: [HTTPS://DOI.ORG/10.35295/OSLS.IISL.1692](https://doi.org/10.35295/osls.iisl.1692)

RECEIVED 4 JANUARY 2023, ACCEPTED 27 MARCH 2023, FIRST-ONLINE PUBLISHED 6 JULY 2023, VERSION OF RECORD PUBLISHED 20 DECEMBER 2023

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Abstract

The aim of this article is to retrospectively reflect on my experiences conducting research on the intersections between courthouse architecture and access to justice in family and children's matters. This raises methodological and practical issues motivated by the novelty of the theme, as was the case when I began my doctoral research approximately 13 years ago, in Portugal. Therefore, I will discuss the strategies adopted and the instruments I used within a qualitative methodology framework. I will particularly focus on the following methods: 1. visiting courthouse buildings, in order to examine, among other elements, localities, façades, courtrooms and other areas and spaces; 2. photographing the different angles/spaces, and 3. writing down a field diary with all my observations of the trips, visits, and encounters. This article traces the early preparations for selecting the courts to visit, how I got to the selected courts, what it was like visiting and photographing such buildings, and some of the difficulties I encountered. In the concluding section, with the benefit of hindsight, I offer reflections on what I would have done differently.

Key words

Courthouse buildings; visits to courts; photo tour; field diary

I would like to thank the valuable comments the anonymous reviewers offered me, as well as the suggestions made to an earlier version of this article I presented at the Workshop on *Empirical research with judicial professionals and courts: Methods and practices*, which took place at the IISL in June 2022.

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Resumen

El objetivo de este artículo es reflexionar retrospectivamente sobre mis experiencias en la realización de investigaciones sobre las intersecciones entre la arquitectura de los tribunales y el acceso a la justicia en asuntos de familia y menores. Esto plantea cuestiones metodológicas y prácticas motivadas por la novedad del tema, como era el caso cuando comencé mi investigación doctoral hace aproximadamente 13 años, en Portugal. Por lo tanto, discutiré las estrategias adoptadas y los instrumentos que utilicé en el marco de una metodología cualitativa. Me centraré especialmente en los siguientes métodos: 1. visitar los edificios de los juzgados, para examinar, entre otros elementos, los locales, las fachadas, las salas de vistas y otras áreas y espacios; 2. fotografiar los diferentes ángulos/espacios, y 3. escribir un diario de campo con todas mis observaciones de los viajes, visitas y encuentros. Este artículo relata los primeros preparativos para seleccionar los tribunales que iba a visitar, cómo llegué a los tribunales elegidos, cómo fue visitar y fotografiar tales edificios y algunas de las dificultades que encontré. En la sección final, con la perspectiva que da la experiencia, reflexiono sobre lo que habría hecho de otra manera.

Palabras clave

Edificios de juzgados; visitas a juzgados; tour fotográfico; diario de campo

Table of contents

1. Introduction	S281
2. Dealing with methodological issues.....	S282
3. Outlining other instruments: the visits to the courts	S285
4. The visual instruments: photo-documenting the Portuguese courthouses	S287
4.1. Practical issues: authorisations, camera... action!.....	S287
5. Arriving to the courts	S288
6. The field diary.....	S289
7. Assembling some of the obtained results	S290
8. Some concluding notes: Would I have done things differently?.....	S294
References.....	S295

1. Introduction

The intersection between the “courthouse architecture” and “access to justice” topics had been at the back of my mind for a long time. However, I was unaware of this. For a long time, courthouses were also play spaces, because as a child, I visited the Palace of Justice in Coimbra with a relative who worked there as a court official. However, I perceived it only as a palace, seeing the Noble Hall as a place of fantasy and as a ballroom for dancing. As I grew up, particularly in the year before attending law school, the same Noble Hall served as a place where I could study quietly, while preparing for my admission exams. When years later, in the middle of my legal training, I went back into the courtrooms of the Palace of Justice in Coimbra, as well as to other spaces of justice in the same city, such as the Criminal or Civil Courts, I realized that there was something different about those buildings, those different spaces and those architectures. Nevertheless, it took me another decade to understand what I wanted to examine in my doctoral thesis: Why are courthouses built in such a way? Will they all look the same in Portugal? What about abroad? And how do people see these buildings? What do they have to say about them? And what representations do they have about how a court should be?

As Ellis and colleagues (2011) tell us, behind and beyond thematic reasons, there are many ways in which personal experience influences the research process. In my case, apart from the personal circumstances already mentioned, I was also institutionally involved in other research projects connected to access to justice in the European Union, on the one hand, and to the Portuguese family courts, on the other hand. Thus, the “what” of my research was linked to a number of interconnected personal reasons (biographic and institutional).

My idea of conducting such intersection was to set it within the debate on how the spaces of the courts shape the relationships between people. The spaces of such buildings, and how users – professionals and parties, and occasional court visitors – interact with and in the buildings, affect their perceptions regarding the ways in which they understand and live the sense and qualities of justice (Maass *et al.* 2000). This led me to my research question: To what extent is the access to justice affected by the external and internal architecture/organisation of court buildings?

Nevertheless, I was frequently told that I was analysing a vague topic or that, even though it could be somewhat interesting, it would be of debatable significance from a legal point of view.¹ In any case, I was (and still am) very much convinced of the importance and relevance of the courts' physical spaces and everyday practices to the research on access to justice. And I was proved right, as the topic has gradually become part of research agendas and public policies.²

¹ This happened to Leslie Moran as well. As he wrote (2012, 431): “In my experience from giving papers and talking to lawyers and judges, these range from bewilderment, disbelief and passive aggressive indifference to more open attacks and withering denunciations that dismiss work that touches on the visual aspects of law as esoteric, trivial, ‘not law’”.

² My research has been used to inform ministerial reports on Portuguese courthouse buildings, like the Ministry of Justice's Report titled *Plano Estratégico Plurianual de Requalificação e Modernização da Rede de Tribunais. 2018 – 2028* (Justiça 2018). I have also been invited as an expert to integrate a working group of

I chose the Family and Children's Courts as my case study, because family justice addresses situations of great social conflict, emotional fragility and personal vulnerabilities. For many families, the interaction with the judicial system is associated with unspeakable feelings and numerous pressing and emotional issues, such as the tension associated with divorce (many times involving domestic violence); highly conflictual cases involving parental responsibilities; juvenile delinquency; and neglected children. Therefore, in these courts, we are dealing with different users: conflicts between adults (voluntary jurisdiction proceedings), between adults over children (civil guardianship proceedings), issues relating to child victims (promotion and protection proceedings) and to young people who commit acts qualified by law as a crime (educational guardianship processes). Analysing courthouse buildings in such a rich and complex jurisdiction, and intersecting them with the topical issue of access to justice, meant that I needed to understand issues such as: How did the (family) court buildings look like in Portugal? Were their internal spaces different from the other types of courts? Where were they located? What were their conditions, and what was their maintenance status? What were the deficiencies and the needs? What were the best practices?

Examining courthouse architecture within a broader theme, such as access to justice, and intersecting it with the specificity of the family and children jurisdiction, involves methodological and practical issues that were first motivated by the novelty and, to some degree, the peculiarity of the topic. This was the case when I started my doctoral research approximately 13 years ago, in Portugal. To respond to my research questions, my research was based on a qualitative and quantitative methodological triangulation, combining different instruments: photographic reports of court visits, maintaining a field diary, focus groups and interviews, and online surveys. The analysis of the results derived from these different instruments provided a complete and holistic picture of the topic under study. The methodology of triangulation was the most appropriate for examining such a complex and "different" object of study (Cox and Benson 2017).

For the purposes of this article, I will discuss the strategies adopted, in particular, three instruments I used. I will focus on the instruments that proved to be the most challenging, and which I believe to be particularly new in court-related research. One was visits to court buildings, in order to examine the courts' localities, façades, courtrooms and other areas/spaces, among other elements. Second, the photo archive I gathered of the buildings I visited. And third, the field diary I maintained with all my observations of the trips, visits and encounters. After detailing various practical issues that arose along the way, and how they were addressed, and looking back on things, in the concluding section, I offer some reflections on what I would have done differently.

2. Dealing with methodological issues

While courthouse architecture was an unusual theme in the Portuguese socio-legal academia (it slowly turned into an attractive topic), the literature on this subject was already flourishing and setting in, in many common law countries (particularly in the UK, the US and Australia), but also in civil law countries, such as France, with an analysis on the history of courthouses, distinctive and iconic buildings, judicial symbols

the Directorate General for the Administration of Justice, whose objective was to draw up a document that would set criteria in order to help create children's rooms in all specialised family and children courts.

and rituals, emerging digital technologies and remote participation (Jacob 1994, Garapon 2001, Tait 2004, Mulcahy 2007, 2011, Goodrich 2008, Brigham 2009, Resnik and Curtis 2011, Marrani 2011).

Although this literature was (and still is) extremely interesting and compelling, and certainly valuable for my theoretical grounding, there were particularities and specificities that I could not apply to my own context, legally, judicially, geographically, and architecturally. Studies on courthouse buildings conducted in common law jurisdictions/countries do have a certain weight in academia, but they differ in terms of the relevant spatial configurations, historical procedures and construction periods to Portugal and to other (southern) European countries (not to mention to other countries in the world). Although it is necessary to take advantage of the similarities, it is crucial not to be conditioned by the “centrism” of these studies. Furthermore, the literature was not very helpful in terms of methods and instruments to be applied, as it was mainly focused on the archival analyses of historical documents and on contemporary references to courthouse design, and eventually, to interviews (or perhaps “conversations” is a more appropriate term). Similarly, family courts are different from the criminal courts (which are more commonly examined) and need to be analysed outside the (pervasive) criminal court model (Goltsman 1992, Ngwa-Suh 2006, Carmo 2014, European Commission for the Efficiency of Justice [CEPEJ] 2014, European Union Agency for Fundamental Rights [FRA] 2015).

I knew I could count on a “little (immense) help” from my sociologist friends, who patiently lectured me on “qualitative methodologies for dummies”. Nonetheless, it was challenging to think about the materiality and visibility of justice (Latour 2002, Brigham 2009), and how this might inform a sustained research on courts, the judicial system, due process and access to justice.

Consequently, I had to deal with methodological and practical issues. I knew, without a doubt, that I had to conduct interviews and focus groups. Two online surveys were also administered.³

The semi-structured interviews were carried out with:

- a) architects, and relevant decision-makers (from the Directorate General for the Administration of Justice,⁴ the Institute for Financial and Estate Management of Judicial Services, and other ministerial representatives), with the aim of obtaining their remarks regarding the design, construction and adaptation of courthouses; and
- b) with judges, public prosecutors, judicial clerks/officials, attorneys, and also with (non-professional) court users, in order to gather their opinions about the existing Portuguese courthouses, as well as their personal and professional experiences in such spaces, especially in terms of access to justice.

³ See Branco (2015, 2016, 2018) for the discussion of results obtained via interviews, focus groups and surveys.

⁴ Even though the representatives of the Directorate-General responded positively to my solicitation for an interview, which was immensely useful for my research, the promise of sending me a pilot study on family courthouses never did materialize.

The topics covered in the interviews were adapted according to the responsibilities/roles of the interviewees, however, in general, covered the following main themes: assessment of the general trends/evolution in courthouse architecture in Portugal; opinions on the existing courthouse buildings; court establishment and maintenance situations; description of personal experiences in articulation with the professional role; representation of the ideal courthouse building; and views on the possible links between architecture and access to justice. Some specific questions about policy issues were addressed regarding identifying the specific exterior and interior courthouse buildings configurations that would be best suited for handling family and child-related matters.

As for the focus group, by bringing together the various institutions involved in the establishment and maintenance of courts, in the figure of their representatives, and by facilitating the dialogue with members of the judicial profession (judges and prosecutors), it was possible to collect a large amount of qualitative information in a relatively short period of time. The focus group was conducted using a semi-structured thematic script that was recorded and fully transcribed (like the interviews). The script had, essentially, the same objectives as the interviews: to obtain opinions and views on courthouse buildings/architecture in Portugal, specifically on the existing Family Courts (deficiencies, needs and possible best practices), as well as their estimate on the possible impacts of courthouse architecture on access to justice in this specialised jurisdiction. This analysis was conducted together with the analysis of the interviews.

The online surveys were sent to court officials and magistrates⁵. One survey was directed at court clerks⁶ to obtain the general characterization of the courts of first instance, both generic and specialized. The questions raised addressed issues like: where were the Courts based (location, number of floors, age of the building, etc.); a detailed description of the court building (number of courtrooms and other available rooms, waiting areas, witness rooms, children's rooms; decoration, type of furniture, toilets, presence of elevators); and a detailed characterization of the courtrooms and other hearing rooms. The second survey was directed at judges and prosecutors,⁷ to obtain their views and considerations on the topic of Portuguese courthouse buildings. It was divided into five groups of questions: 1) characterization of professional experience; 2) opinion on the construction and/or adaptation of court buildings in general; 3) opinion on the construction and/or adaptation of buildings for family courts; 4) views on courthouse

⁵ Both surveys were conducted between September and December 2010, by online administration, using the LimeSurvey software.

⁶ The universe of the survey applied to court clerks comprised a total of 161 courts: 23 Family and Juvenile Courts and 138 courts of general jurisdiction, which also had jurisdiction in Family and Juvenile matters. A total of 110 valid surveys was obtained, which corresponds to a response rate of 70%. Of the total valid questionnaires, 94 were courts of general jurisdiction; and 16 were Family and Juvenile Courts. As for the geographical distribution of the respondent courts, despite having had responses from across the country, including the autonomous regions (Azores and Madeira), the majority of responses came from the central and northern regions of the country (39.1% and 32.7%, respectively).

⁷ Regarding this survey, I got a total of 60 valid responses. Since the universe was composed of 1587 subjects, the response rate was very low, of about 4%. However, resistance to this type of instrument from the legal practitioners is known (as a report from the Portuguese Association of Judges had shown, in 2007), thus the results obtained served, at least, as an exploratory approach to the issue, which was complemented with the interviews and focus group discussions.

architecture and the practice of justice; and 5) opinion about the courts they were working in.

Nevertheless, I realized that the interviews, focus groups and surveys, no matter how rich the data obtained, would potentially limit my analysis. On the one hand, there was a risk that the data collected would emphasize the voices of some actors over others. If I mainly listened to the professional users (judges, prosecutors and court staff), I would only get a partial image of the court buildings, based on the narratives of those who experienced the buildings mostly from a working environment perspective. On the other hand, it would be an indirect image in which certain elements would be possibly missing. A more thorough analysis of the courthouse buildings could not solely rely on an indirect discourse: the researcher would need to directly observe the buildings.

3. Outlining other instruments: the visits to the courts

To investigate the intersection between the “courthouse architecture” and “access to justice” topics, I needed to visit the courts, in order to fill in the gaps in data collection that interviews, focus groups and surveys could potentially create. I needed to know where the courts were located to understand what they looked like, how the interiors were organized, to observe the architectural grammar of the buildings and to touch on the materials used. I wanted to get a feel of the entire building(s), where it was located (site), what its(their) condition was (exterior and interior architecture and materials, as well as its(their) maintenance status), and whether it was suitable to serve as a courthouse in such a specialized jurisdiction. Then, I could intersect my own observations with the results obtained from interviews, focus groups and surveys.

I was not concerned, however, with the ethnography of the courtroom, or with courtroom language, or even with the role that the design and physical structures of the law play in the evocation of power (Walenta 2020). Ethnographic court researchers normally observe criminal hearings and describe court processes. That was not my aim. Therefore, I did not want to conduct a mere ethnographic court research,⁸ that is, spending a period of time in a selected court and documenting the entire journey there, which would also allow me to establish informal contacts with the people attending the hearings (Faria *et al.* 2020, Walenta 2020, Travers 2021). Nevertheless, I was able to conduct a non-participant observation of the waiting areas in the Family Court of Lisbon, and in the Family Court of Braga, during a period of three to four days in each court, as I was conducting research on those courts for another research project.

To validate my decision to visit the Portuguese courts (as well as the photographic register), it was extremely helpful that I had the opportunity to visit three courts abroad: the Family Court of Berlin (Familiengericht Tempelhof-Kreuzberg), in Germany, the Tribunal Judiciaire de Toulouse, in France, and the Ninth Circuit Court of Appeals, in

⁸ As Bens and Veters (2018) wrote: “We understand ethnography as a mode of research in which the ethnographer immerses her- or himself in a social field, setting, or arrangement in order to comprehend the actors’ social relations, their practices and their representations of themselves and the world. To do that, the ethnographer employs a variety of techniques: participant observation, interviewing, conducting surveys, engaging in naturally occurring conversations, and collecting documents as well as audio-visual materials”.

San Francisco, in the United States.⁹ These visits were very helpful in guiding my research focus.

As the case study was on the Family and Children's Courts, I chose to visit all of these specialized courts of first instance, excluding only two¹⁰ out of 23 (at the time).¹¹ However, in order to obtain a more in-depth characterization of the profile of the Portuguese courts of first instance, and for comparative purposes, 15 courts of general jurisdiction were also selected. The selection of these courts was made by alphabetically arranging and numbering all the courts and, later on, by randomly selecting said numbers, so that 15 courts were selected from a total of 196 courts of general jurisdiction. There were two considerations in the selection of these courts: 1) their geographic location in the country; and 2) the period in which they were created/established (construction or adaptation). In other words, I tried to select courts from north to south and from east to west of the country, covering different periods of establishment, from the Estado Novo period (during the dictatorship), to the 21st century.¹² To this end, some adjustments were later introduced to the random selection process, in order to be as exhaustive as possible. Thus, I visited at least one court of generic jurisdiction per geographic area and per time period.

⁹ I had the opportunity to visit the court in Toulouse, in December 2008, when I attended the Colloquium *Territoires et lieux de justice*. I went to Berlin in May 2011, within the framework of the Court Architecture Executive Research Tour, organized by the Court of the Future Network, where I saw the building up close (façades, exterior, materials) and its structuring (in particular the courtrooms and the children's room, the internal decoration, etc.), and I could talk to the professionals who worked there, listening to their impressions and comparing them with those I gathered from the interviews. I visited the North American Court in June 2011, when I attended the annual Meeting of the Law and Society Association, as the tour of this court was part of the social program of the conference.

¹⁰ That is, the Family Courts of Funchal and Ponta Delgada (in the Madeira and Azores archipelagos, respectively). These were omitted for budgetary reasons.

¹¹ The Portuguese judicial map has changed considerably in the last decade, with the creation of more specialized sections with competence over family and children matters. Therefore, I refer to the number of courts in the period the research was conducted (2010-2011).

¹² We can classify Portuguese courthouse architecture in six main periods: 1. Itinerant Justice (12th -15th centuries); 2. The emergence of a primitive architecture of justice (from the 16th to mid-19th centuries); 3. Town Halls (Casas da Câmara) and Convents (from 1820 to mid-20th century); 4. The Palaces of Justice of the 'New State' (from 1934 to circa 1980); 5. Contesting Templates (1960s to 1980s); and 6. Post 2004. As shown by the dates, some phases relate to different political regimes, revealing a concurrence and continuity of architectural trends and programs in relation to the court buildings. Secondly, there were two major active periods of construction and establishment of courts: the period between the 1950s and early 1970s (during the dictatorship); and during the 1990s, especially the last few years of that decade, coinciding with the first European Community support frameworks. This rise in construction and establishment of courthouse buildings after the Democratic Revolution (1974) coincided with an increase in litigation, a specialization of justice, and the consequent need to find new spaces for the courts created by legal reforms. The sixth and most recent period is marked by the reduced number of purpose-built court premises (mostly after 2004), which coincides with the onset of the economic crisis. It is also connected to a new policy regarding the planning and management of the court buildings, based on a costly leasing policy, and the re-use of other types of buildings, of a commercial or residential nature (Branco *et al.* 2019).

4. The visual instruments: photo-documenting the Portuguese courthouses

My decision to complement the visits with a photographic archive was simply organic. The photographs were to illustrate the selected courts I was going to visit. They would serve as pieces of evidence (Norman 1991). They would provide visual support for the issues I wanted to outline in the text. Photographs, as a way of accessing data that might otherwise have been concealed or overlooked (Cleland and MacLeod 2021), would constitute another data point to triangulate against interviews, focus groups and surveys. Thus, I had to take as many photos as possible to visually record and document my visits, so that I could confirm and describe what I had observed during the field work – photographs would help me translate my experiences into the visual form (Gregory 2022).

Accordingly, the photographic recording was based on the following structure:

- Building (façades and premises);
- Accessibility (stairs/elevators, ramps);
- Courtrooms, hearing rooms and other rooms (e.g., front-offices; children's rooms; magistrates' offices; officials' offices; lavatories/toilets; corridors; waiting areas; witness areas); and
- interior and exterior materials and decoration, as well as furniture, lighting/windows and other elements.

4.1. *Practical issues: authorisations, camera... action!*

In the field of visual methods, a higher degree of trust between researchers and the research subjects is required during the data collection process, so that the collected data protects matters, privacy and anonymity (Cox and Benson, 2017). Consequently, in order to carry out the visits and the photographic documentation, I had to obtain a written authorization from the Directorate-General for the Administration of Justice and the Superior Council for the Judiciary. I sent formal letters to both presidents, identifying myself as a socio-legal researcher and my institutional affiliation, the research project, its aims, and the funding agency.

I had no problem obtaining that authorization, I must say: in less than two months they responded positively to my request, although such a request (visits and photographs) was not common in court-related research. They posed no objections to the visits or to my photo collection, and informed me they would officially notify all courts – which was my green light to enter the courts without facing any significant obstacles. The only request was that I contact each of the judge president of the selected courts prior to the visit, to obtain their approval of a visit schedule.

Thus, after selecting the courts I wished to visit and obtaining the superior authorisation, a formal letter was sent to the Judge Presidents of the selected Courts, requesting the practical authorization to visit and photograph their court, on a date to be determined.

At every contact with the Judge Presidents of the selected courts, I was given, again, a positive reply. In most cases, I would be advised to visit the courts during the low activity days, when there would be fewer hearings, so that I would not disturb the court personnel, and when there would be fewer people in the building. And I would be

guided in terms of the angles/spaces I was allowed to photograph. As these answers confirm:

Be informed that you can photograph the façades, the courtrooms may be photographed (where no trials are taking place), the rooms for witnesses and lawyers (provided they are empty). As for the offices of Magistrates, authorization must be requested from each of them.

I inform you that the corridors, the magistrates' offices, the registrar sections, the courtrooms and any other interior spaces that are considered of interest for your work may be photographed, provided, of course, respect for the right to the image/privacy of the persons who do not give their consent.

Regarding the request to photograph the Palace of Justice of XXX on the 16th of February, I would like to inform you that, on that day, it is only possible to photograph the exterior areas, as the interior areas are occupied with judicial acts. These will be available to be photographed on [indication of dates] (...)

I was also told that all visits would be managed by the court administrator or by the secretary of the respective court. In this regard, the architects I spoke to, both at my own institution and those I interviewed, were sceptical that court visits would be managed by court staff, rather than architects. This was because they felt entitled, as experts, to have a specialised voice in relation to the buildings.¹³ Nonetheless, I wanted to understand how the people who lived and used the courthouses on a daily basis, that is, the court staff who facilitated the visits, viewed those buildings and whether they perceived them as adequate or not, whether they thought that any changes were needed or not, and whether they were free to indicate the needs they experienced, the problems faced and the changes introduced to overcome some of those needs and problems.

It is important to mention that the photographic method is strongly influenced by the subjective perspective of the researcher using the camera (Schwartz 1989), and by the interpersonal relationships established with the court personnel managing the visits. I tried to combine my subjective view with that of the court officials, who were so kind to guide me in the visits I made to "their" courts – within the spatial framework I was allowed to enter. I also wanted to capture the informal modifications introduced by the court personnel to adapt the buildings to the needs of the time. Thus, after the first visits and photographs, I tried to adjust the script as comprehensively as possible, and to incorporate features I had not planned at the beginning.

5. Arriving to the courts

Once the courts had been selected, the necessary authorizations were obtained and visit appointments were arranged, and like any citizen who receives a court appearance notice and does not know the exact location, I had to study the directions to the various locations. That meant finding the best way to get there and avoiding possible obstacles. I tried, like any citizen, to use a variety of means of transportation, like travelling by car, by taxi, bus, train and even crossing the Tagus River by boat to go to the Family Courts on the south bank of the river (from Lisbon to Barreiro). I also flew to the Azores by plane, to visit the Court of São Roque do Pico (Pico Island). Of course, when using public

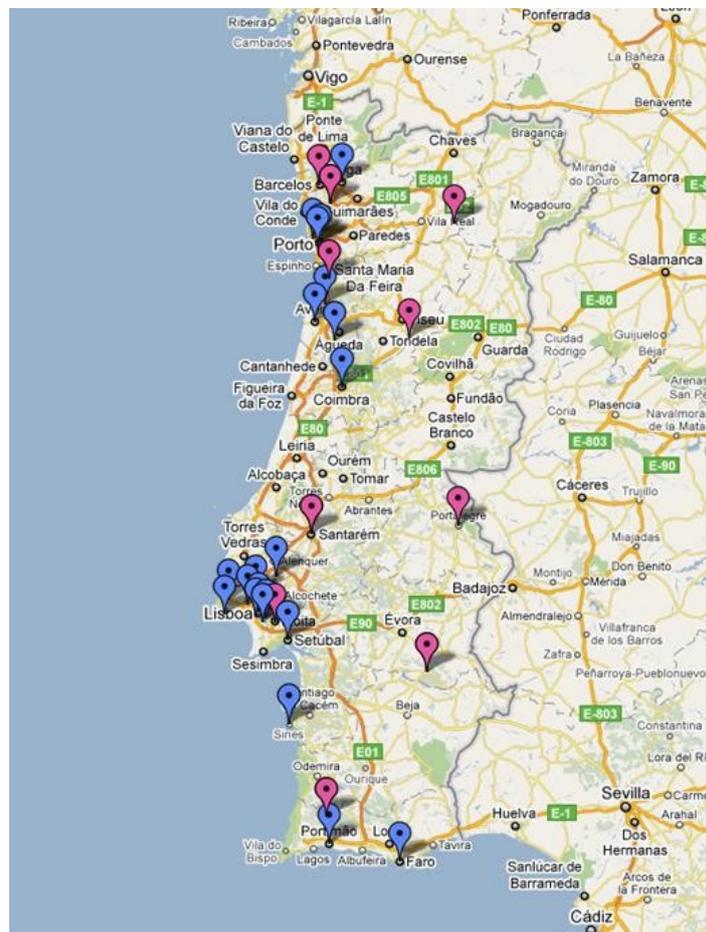
¹³ In a similar way, see Sarre and Vernon (2013) in regards to security of the buildings.

transportation, I also had to familiarize myself with bus/train/boat timetables, frequencies and fares.

To maximize resources, I would sometimes visit two (geographically near) courts on the same day. I was “fortunate” to have my research project funded, which allowed me to move around the country and fund my travels and hotel accommodation. Without such a grant, I would have been limited to visiting and photographing the courts of Coimbra or Lisbon, or Porto. Instead, I was able to visit a comprehensive selection of Portuguese courts and obtain a broader view of the buildings.

Here is a map of my visits¹⁴ (using Google Earth: marked as blue for the specialized family and children courts, and as pink for the generic competence courts).

MAP 1



Map 1. Mapping the visits to the Portuguese Courts.

6. The field diary

From October 2010 to May 2011, 35 courts of first instance (general and specialized jurisdiction) were visited and a photo archive of all courthouses visited was created. After the visits, and with the help of the photographic support (whenever necessary), a field diary was prepared, in which I wrote down my impressions, experiences and observations.

¹⁴ I also visited the Court of São Roque do Pico, in the Azores Archipelago, but it is not showing on the map.

For the preparation of the field diaries, I took the following thematic guides into account, to systematise the information, and to explore and relate the different components in terms of triangulating data:

- characterisation of the building and location,
- characterisation of the courtroom and other existing rooms, and
- evaluation of the building.

In addition to the description of the Court, in the sheet file of each court, I evaluated the following aspects, on a scale from 1 to 5 (Poor to very good): security, privacy, comfort, accessibility, size, functionality and general evaluation of the court. The assessment of each one of them resulted either from my own observation and/or from the informal conversations I had with the court officials/secretary who guided my visits.

7. Assembling some of the obtained results

Ensuring citizens' right of access to justice must encompass both the quality of the courthouse buildings and dignified and respectful environments, which, through that quality and dignity, legitimize the justice system itself, making users feel comfortable, safe and valued, and thus, more prone to respect the court (Sarre and Vernon 2013). All the more so if we consider that different types of conflicts entail a management of the spaces adapted to the specificities of such conflicts and procedural moments, as in the case of family courts.

The instruments described above allowed me to explore different dimensions of the intersection of courthouse buildings and access to justice, by triangulating the different data. Both in interviews, focus groups and in court visits, the criteria used were based on the following analytical dimensions:

- geographical access and court location
- identification of the court building
- accessibility (exterior and interior)
- the courtroom and other hearing rooms
- ergonomics: comfort of the workspaces and public areas
- security (procedures, people and property)
- feelings of justice and the behaviour of users: architectural aspect and its influence

In this section I will present some of the combined results in terms of the geographical proximity of the court, identification, accessibility and comfort.

Geographical access and identification of the court building

The task of finding the court in a locality, be it urban or rural, is not always easy. It depends on a number of factors, such as location, architecture and type of building, including the presence or absence of symbols in the building, and directions (signage or indications given by people met on the streets).

Looking at the above map, one can observe, on the one hand, that the specialisation of family and children's justice has occurred mainly along the coastline or in the more

urban areas of the territory, with that part of the country benefitting from a closer access to a specialised jurisdiction. The high concentration of specialised courts and, particularly their polarization in the Lisbon and (albeit less so) Porto regions is quite visible. The distribution and organisation of the specialised family courts can have both inhibiting and facilitating effects on the demand and mobilisation of justice, since a greater or lesser distance from the court is a determinant of access to justice issues. This tension between the benefits of specialisation (greater sensitivity, availability and, ultimately, assertiveness and timeliness of procedures) and the resulting distance from citizens (difficult access) is a recurring problem that cannot be ignored and requires measures to reduce this distance (Branco 2019).

On the other hand, the general jurisdiction courts I visited were located in historic centers or in central areas of the localities, close to other services and public transportation. In addition, most were housed in dedicated buildings, many of which had monumental architecture, built with noble materials, such as granite or marble, and had symbols of justice on the façades. Notably, the model inherited from the Estado Novo remains unavoidable.

The geographic location of the court at the local level is thus of utmost importance, whether in terms of the socio-economic and urban planning impact that a court has in an urban agglomeration; or in terms of the effect it has on citizens' access to the public service of Justice. In relation to the latter, we need to take into account the distance to be travelled to reach the respective court, but also the costs involved, as well as the existence, or absence, of an accessible transportation system in the served territory. Hoffman and Strezhnev (2022), reached similar results when studying eviction files in Philadelphia courts. As the authors concluded, the physical determinants of access to justice, such as location and accessibility of a courthouse, can influence the outcome of individual cases.

In this regard, there is an episode that is worth mentioning. When I visited the Family Court in Amadora, near Lisbon, and despite travelling by taxi, and giving the exact address of the court to the driver, which I had retrieved from the Ministry of Justice's website, and even with the existing street signs pointing to the Court, the taxi driver drove around the block several times without any of us being able to recognise the building. We even reached a point when the taxi driver simply turned off the taximeter and kept driving around. Eventually, we found the court. Since 2009, this court has been housed in a building that was originally meant to accommodate the elderly. It was located in a suburban area, in Alfragide, near a supermarket, shops and residential buildings (see picture below). The building had no features that made it stand out from the rest of the urban fabric. Furthermore, even the court sign was barely visible, and difficult to read from a distance.

PICTURE 1



Picture 1. Family Court in Amadora: the façade.

When I compared my visits with the interviews, I realized the same kind of situation had happened to judges, as some of them told me. This is an illustrative example:

I, in fact, had this problem [of not finding the court]. Thankfully, someone had explained to me where the courthouse was, because if I were expecting to find the court from an exterior sign telling me 'Here is the court', I would still be walking around in circles. (Judge 4, interview)

Another issue is orientation inside the buildings: although interior signage indicating the location of services was present in more than half of the courts surveyed, in most cases, I could confirm that it was not very clear or perceptible. An illustrative example was the court of São João da Madeira: the signs were transparent and had white letters, making them very difficult to read. This can cause court users to miss the hearing proceedings or to be late precisely because it is difficult for them to find their way around the building.

Accessibility (exterior and interior)

During my visits I was able to observe, with regard to accessibility, that elevators, for example, did not always have the necessary dimensions to carry a person in a wheelchair or a child in a pram. I also visited courts that had elevators, yet they were not functioning. And as for ramps, they were either too steep or there were obstacles to their effective use. Indeed, I was able to see for myself that the courts are completely hostile public spaces for users with reduced mobility. Without this triangulation between surveys and court visits, I would not have come to such conclusions.

An illustrative example: at the Family and Juvenile Court in Estarreja, although there were access ramps to the building on the outside, the elevator inside had been out of order since October 2009 (the visit to this court took place in November 2010) – see picture below, where you can read "Avariado"/Out of Order, handwritten on a sheet attached with tape. This was a real problem, as the building consists of ground floor and 1st floor. Every time users with reduced mobility entered the building, the court staff

had to call the fire department to help them, which entailed costs and led to complaints from users in the Complaints Book, as the secretary informed me at the time.

PICTURE 2



Picture 2. Family and Juvenile Court in Estarreja: inaccessibility.

Comfort and security, or the lack of it, in the public areas

Among the public support services most frequently mentioned in the survey sent to court officials, we could find waiting rooms (in 46.4% of the respondent courts). During the visits, I noticed that most courts did not have a waiting room, I often found the users waiting in the entrance hall, in the stairwells, leaning against the walls or sitting on the stairs, while waiting to be called to the respective hearings. This was the case, for example, of the Family Court in Braga. I could thus confirm what two court users had narrated during the interviews:

There was no privacy, we stayed there in the hallway. We were here, and the other party was over there, a meter or so away. (...) I felt exposed in there, you know? (User 1, interview)

If there were other conditions, where people could be seated... Where we could find a coffee machine or a water machine... (User 6, interview)

Notwithstanding, the proportion of specialised family courts that had waiting areas was significantly higher than the proportion of courts of general competence.

Among the most observed features of public support in the said survey, we find the information booth (in 33.6% of the respondent courts). In the case of the information booth, however, it should be noted that when I visited the courts, this feature was

generally not functioning due to a lack of human resources. The exception was the court of Barreiro, where this service was fully functional, providing information, and referring users to legal services, inside and outside the court. According to the court secretary who guided my visit, this desk was extremely efficient and helpful both for court staff and court users. And I could confirm this myself.

The most frequently used facilities to support hearings, both in courts with specialised competence and courts of general competence, are the witness rooms (in 85.5% of the respondent courts). It should be noted, however, that witness rooms or waiting rooms were often adapted for other purposes. In some of the courts I visited, the witness rooms had been converted into magistrates' offices, due to the needs felt. I could also observe that the witness rooms were, in general, very uncomfortable spaces, with only a few chairs, and, in some cases, the rooms lacked natural light. In courts where families may be in conflict, this poses real problems (like the psychological insecurity, as User 1 mentioned), and is indeed a matter of inaccessible justice. An illustrative case was the Family Court in Oliveira do Bairro, where the same room served as waiting and witness area, where no kind of privacy and security is ensured for the conflicting parties. As you can see in the next image, there was also a lack of comfort (even with a coffee vending machine available).

PICTURE 3



Picture 3. Family Court in Oliveira do Bairro: waiting/witness area.

8. Some concluding notes: Would I have done things differently?

In this article my intention was to offer a descriptive account of my methodological selection, and to critically reflect on my personal experiences, in regards to researching the intersections between courthouse architecture and access to family justice in Portugal. This was a very useful exercise for me, “visiting” personal archives, giving me the possibility to reflect on my research, especially on my thematic and methodological choices. Would I have done things differently?

I do not think I would.

I would perhaps refine some instruments, especially my photographs. The photos I took show the angles I value the most as a researcher and camera holder. I tried to combine my view with those of the people who spoke to me in the courts I visited. With the photographs I intended to convey the communicating feeling of the buildings and their different spaces, where courtrooms, waiting rooms, rooms for children, entrances, staircases and corridors intersect, amidst light and shadow, time and place. I did not want the photos to depict the clichés of the front-offices with piles of cases, but the spaces to which the public has access. I also wanted to capture the changing times and show the differences between the older and the newer courts.

As I was not allowed to photograph people, the photos show places that seem to be empty of life and frozen in time. The static courts depicted in my photos do not do justice to the lively nature of the spaces I encountered and tried to document. But, at the same time, this immovability also captures the rigidity of the spaces overtime.

I would certainly have slowed the pace of the visits, to allow some of the impressions of my dwellings to mature. I regret that I was unable to record some of the casual conversations I had with the court personnel, which were so interesting and rich. My field diaries are a pale reflection of what I was so generously told.

I would possibly consider using the questionnaires for the non-professional users in some of the courts I visited, although this is not always an easy task. This would certainly enrich the data collected in the interviews. Furthermore, it would give me a third voice in relation to the courts visited, adding more substance to the conversations I had with court personnel and to my own observations. I could also consider the use of user juries instead: groups of advocates (user associations, attorneys, activists) who walk around courts, record their impressions and compare notes in a debriefing session. This method was used in an Australian study and proved to be effective (Sarre and Vernon 2013).

Therefore, the intersection of perspectives is very inspiring: each participant tried to present to me his/her vision of what a court building is or should be – judges, prosecutors, court officials, attorneys, policymakers (central/local) and users. Each one of them lived and saw the spaces differently, but even when they tried to be “the” spokesperson, they remained partial. Thus, a patchwork of voices and views was mandatory: one of the key aspects of the research was the multiplicity of visions collected from the interviews, focus group, surveys and visits. Moreover, the option of methodological triangulation seemed the most appropriate for researching such a complex and “different” object of study. This approach made it possible to integrate different perspectives on the Portuguese courthouse architecture and access to justice (complementarity), and to unravel paradoxes and contradictions, while the multiplicity of methods and instruments enabled the initial ones to inform the use of the subsequent others.

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