



Race Equity Advisory Committee

Special Meeting

Monday, July 25, 2022

5:30 – 7:00 p.m.

**THE RACE EQUITY ADVISORY COMMITTEE WILL HOLD THIS MEETING IN PERSON IN CITY HALL
AND USING A VIRTUAL, ZOOM WEBINAR**

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:
<https://bainbridgewa.zoom.us/j/84894082152>

AGENDA

5:30 PM CALL TO ORDER

Roll Call/Accept or Modify July 25, 2022 Agenda/Conflict of Interest Disclosure/Code of Conduct/Suquamish Ancestral Lands Acknowledgment

5:35 PM PUBLIC COMMENT

5:40 PM DISCUSSION

- 40 min: Discussion, and feedback from the Police/Court Facility architectural team, on the materials provided by Race Equity Advisory Committee and community members.
- 10 min: Discussion, and feedback from City staff, on the next steps for this project.
- 10 min: Discussion regarding timeline and content for additional, non-structural, recommendations.

6:40 PM GOOD OF THE ORDER

6:45 PM ADJOURNMENT



Race Equity Advisory Committee

Code of Conduct

The Bainbridge Island Race Equity Advisory Committee encourages community attendance and participation. We are committed to providing a safe environment free from discrimination and harassment.

We ask all meeting participants to embrace our values of equity and inclusion and to conduct themselves in a manner consistent with these values. Please be prepared to participate in courageous conversation. Stay engaged. Agree to experience discomfort. Feel welcome to speak your truth. Expect and accept non-closure.

The Race Equity Advisory Committee has assigned two designees as the first point of contact for anyone who thinks that they have experienced discrimination, harassing or otherwise unacceptable behavior during this meeting. Please contact a designee if you have any concerns.

Today's designees are the Chair and Vice Chair.

**POLICE-COURT FACILITY (HARRISON BUILDING)
RECOMMENDATIONS FOR HARD FEATURES (STRUCTURAL)
USING A RACE EQUITY LENS**

GUIDING QUESTIONS

Why are they doing this this way?

What feels welcoming, safe, and dignified for all people and their circumstances?

From public to designer/architect: Here's an idea. How do you do that?

Design Types

Universal Design: Universal design is "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."

An opinion: Universal design considers a diverse set of characteristics beyond disability, including age, gender, race and ethnicity, native language, etc. but only yields a single solution that can accommodate as many people as possible, leading some to be left out.

Inclusive Design Inclusive design is "a methodology that enables and draws on the full range of human diversity. Most importantly, this means including and learning from people with a range of perspectives."

An opinion: In contrast to universal design, inclusive design may make different design solutions available for different groups of people in order to avoid marginalizing anyone.

Resources:

Diversity by Design: Equity in Architecture, The Diversity Roundtable, Seattle AIA

Visit: <https://diversitybydesignseattle.com>

Designing Justice + Designing Spaces

Visit: <https://designingjustice.org>

PART 1: HARD (STRUCTURAL) COMMENTS AND IDEAS

Court circulation. It's not clear how you get into the court room. No matter what you do, if you want to get to the court room, you're going through a lot of halls and making a lot of turns. Hard to understand the circulation. Mostly what I see is a bunch of cop lab storage stuff.

From the top of the stairs, you go by a counter shaped like a "J". There's a 3-foot door that probably doesn't meet ADA. You move along to the right past judge's chambers, public defender office, administrator office, hard left at the end of the hallway, and into chamber. How comfortable is that? Feels like an obstacle course.

Challenge: Overall circulation. Access to chambers feels like an obstacle course. What will this be like for someone in a wheelchair or who has difficulty walking?

ADA Accommodation. Issues: 1) Access to court feels like an obstacle course, especially for someone in a wheelchair 2) Door (flow out/recess) don't appear to meet ADA standards; 3) Access to courtroom dais is questionable

Separate police from court. The court room is the crown jewel of any justice system, but to get there, it's in the bowels of the building, hidden away in what appears to be a "cop shop." The plan is saying that cops rule justice rather than justice rules the cops. The identities and operations of police and court (incarceral vs. justice) should be separate from each other.

Challenge: Single building

Possible solution: Different entry points for court and police visitors.

Possible solution: The court could be on the first floor to convey more sense of justice for and to the public.

Main floor lobby

This area is the first space a visitor enters—it is where people get their first impression.

The lobby is small and the walls feel restrictive. You have to look up to feel a sense of space. It feels like you're entering a tunnel or funnel—mistrust and hesitation are elicited because you don't know where you are (not in a good way) and you can only get out of the space if you get permission from the people behind the counter. It feels oppressive.

Traditionally, a lobby to a courthouse was dedicated to capture the principles of democracy, justice, and civic pride. Let's ensure that these areas are not dominated by obsessive security and instilling a sense of fear.

Challenge: The elements of security and expression of space. How can this space cultivate a genuine sense of comfort, trust, and equity?

Possible solution: Any way to increase the space to make it feel welcoming and safe? Maybe the ceiling is a target for beautiful energy.

Second floor lobby

Challenge: This is a very small area for all the people coming to visit the court room to meet, share papers, and talk. It puts people in close quarters of each other and in close proximity to a police/security officer, which can be uncomfortable.

Why is this security approach needed?

Reconstruction/possible solution: Use light as a symbol of equity and justice. Provide two large skylights at each of the new entry vestibules to the court. This will break up the long "dead end" 5' wide corridor and accents the entry when one enters the court. Soft (art) recommendation: With the enhanced ceiling height from the skylights, incorporate a sculpture that hangs from above and brings an abstract meaning to the judicial experience—a sculpture that expresses equity, nature, and the essence of justice. By placing the art above, this could symbolize looking up to the future.

Second floor monitor "station"

Challenge: This station looks like a "watch tower" and can be interpreted as an oppressive disruption to the concept of justice. It feels disarming, controlling, haunting, as if someone is pre-judging you.

Reconstruction/possible solution:

Relocate the watch tower and dedicate the space to the public experience. Analyze the programmatic requirements and the negative impact of oversight and oppressive control. This is not a prison.

Be respectful of the court lobby as a point of energy—not that of control and surveillance.

Respect communication dynamics (public, clients, families, attorneys) with the layout and design.



RESOURCES

Design Types

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An opinion: In contrast to universal design, inclusive design may make different design solutions available for different groups of people in order to avoid marginalizing anyone.

Professional resources

Diversity by Design: Equity in Architecture, The Diversity Roundtable, Seattle AIA

Visit: <https://diversitybydesignseattle.com>

Designing Justice + Designing Spaces

Visit: <https://designingjustice.org>

Article:

“Peace in Place Project: Building Healing Spaces,” by Deanna VanBuren Assoc. AIA, LEED AP, NOMA, Yuval Berger, MSW, RSW, and Kimberly Fauss, JD

<https://bit.ly/3RiKuxX>

Excerpts from “Peace in Place Project: Building healing spaces” article

The fortress model of traditional courtrooms creates distance and hierarchy while the haven model of contemporary offices offers sanctuary. *The new edge of change for contemporary professionals is how to intentionally design and incorporate hospitality into their practice so that love and forgiveness can emerge naturally to move clients beyond settlement to resolution.*

There has been little evidence-based design research* done on courtroom settings. However, we can extrapolate data on research done in other building sites with similar values, such as prisons and jails ... to some extent the violence and anger prevalent in correctional facilities are attributable to the architecture and design of the physical spaces that induce incredible amounts of stress. Some of these features include *loss of privacy, poor acoustics exacerbated by hard surfaces, lack of control and isolation from nature—especially sunlight. It is interesting to see that many of these same features are found in the design of the courthouse.*

*This article was written in 2010. There may be more research done to date.

It has been shown in hospitals, workplaces, and residential settings that when people feel control over what happens to them in the physical space, they are less stressed and frustrated. This might be the ability to open a window to stay cool, close a window to control sound, move one's chair to alter personal space, dim the lights, or leave the room to process and reflect.

Our unconscious brain is highly sensitive to the environment we live in. Physical spaces are designed to surprise the unconscious brain, through leveraging memory, evoking experiences, and inducing behaviors.

SOFT (INTERIORS, ART, FURNISHINGS) COMMENTS AND IDEAS

Community member: I was wondering about the glass walls in the conference spaces and respect for people's privacy and dignity. Some people seek privacy, some don't have a preference, some people won't ask. What about blinds for those rooms so people have a choice?

Jing Fong: I'm not an interiors specialist, however, if REAC said there are some things that we'd like people to feel (safe, welcome, respected) or not to feel (trauma, fear) or identified some barriers, is there an interiors person on your team who could translate?

For example, I know there's a psychology of color, lighting, materials, how you enter a room. I know what things can do but I don't know the vehicle. We'd describe the scenario or landscape or desired outcome. How might you treat or remedy this?

Renni Bispham: Who is in charge of that? Do we talk to them directly?

Chris: We can help guide you. We can have thoughts about scenarios or spaces you have in mind. We can help figure that out and provide solutions.

Matthew: We (Coates Design) provided the interiors as it exists currently.

OPERATIONAL COMMENTS AND IDEAS

Review and Insights from a principal architect with 40+ years of experience with public projects and spaces, and a personal interest in social justice.

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The following reflects a conversation between Jing Fong, REAC member, and the architect.

From the architect: It is difficult to know exactly what's going on based on these drawings. I feel like I need more information to understand the circulation of the building—how people can enter, move, and exit.

POV :: OBSERVATION :: CONTEXT

This doesn't feel like where justice is done. It is a carceral building where police hang out and you will be judged. The message seems to be that this is a police establishment. Police feel like the priority and justice feels secondary.

Are you making a 50 year decision or a 10-year decision?

I predict that policing will be very different down the road and won't be used to solve societal ills. It will be a specialty department to be used for what police are good at.

Long-term approach: Divorce the police from the justice system. Keep the police and courthouse separate as it used to be.

CHALLENGES :: SOLUTIONS

Separate police from court. The court room is the crown jewel of any justice system, but to get there, it's in the bowels of the building, hidden away in what appears to be a "cop shop." The plan is saying that cops rule justice rather than justice rules the cops.

Challenge: Single building.

Possible solution: Different entry points for court and police visitors.

Court circulation. It's not clear how you get into the court room. No matter what you do, if you want to get to the court room, you're going through a lot of halls and making a lot of turns. Hard to understand the circulation. Mostly what I see is a bunch of cop lab storage stuff.

From the top of the stairs, you go by a counter shaped like a "J". There's a 3-foot door that probably doesn't meet ADA. You move along to the right past judge's chambers, public defender office, administrator office, hard left at the end of the hallway, and into chamber. How comfortable is that? Feels like an obstacle course.

Challenge: Overall circulation. Entry to chambers feels like an obstacle course. What will this be like for someone in a wheelchair or who has difficulty walking unassisted?

Challenge: Do doors meet ADA?

IDEA! CRITERIA LIST

Rather than make recommendations, put together a Criteria List.

Make everyone feel like an equal partner.

Assemble it down to a checklist and a rubric for openness.

Approach to architect and project manager: Here's my idea or how BIPOC people want to feel.

How do you do that?

Example: Lobby should be open and welcoming with daylight.

How do you do that?

Example: Courtroom should be accessible and identified with public use.

How do you do that?

Suggestion: Get someone young, eager, and interested in social justice looking at this.

Reward: Learn something, gain experience, get some exposure.

Why? This is a new direction in architecture to address inequity in our society.

Let's make this work. It is not just our problem to solve alone.

Review and Insights from an architect with years of experience on public projects, including ADA review, and a personal interest in social justice.

.....

CHALLENGES :: SOLUTIONS

Second floor lobby

Challenge: This is a very small area for all the people coming to visit the court room to meet and congregate, share papers, and talk. It puts people in close quarters of each other and in close proximity to a police/security office, which can be uncomfortable.

Why do you need this security approach?

Possible solution:

Second floor monitor "station"

Challenge: This station looks like a "watch tower" and can be interpreted as an oppressive disruption to the concept of justice. Feels disarming, controlling, haunting.

Question for Andy: New change – glass?

Possible solution:

ADA Accessibility

Challenge: Access to the courtroom dais

Challenge: Door flow out/recess

Possible solution:

Entry to court

Challenge: Dim, lacking dignity, feeling of being pre-judged.

Possible solution:

Incarceral vs. Justice

Challenge: The identities and operations of police and court should be separate from each other.

Possible solution: The court could be on the first floor to have more sense of public space.

IDEA! CRITERIA LIST

Rather than make recommendations, put together a Criteria List.

Make everyone feel like an equal partner.

Assemble it down to a checklist and a rubric for openness.

Approach to architect and project manager: Here's my idea or how I want people to feel. How do you do that?

Example: Lobby should be open and welcoming with daylight.

How do you do that?

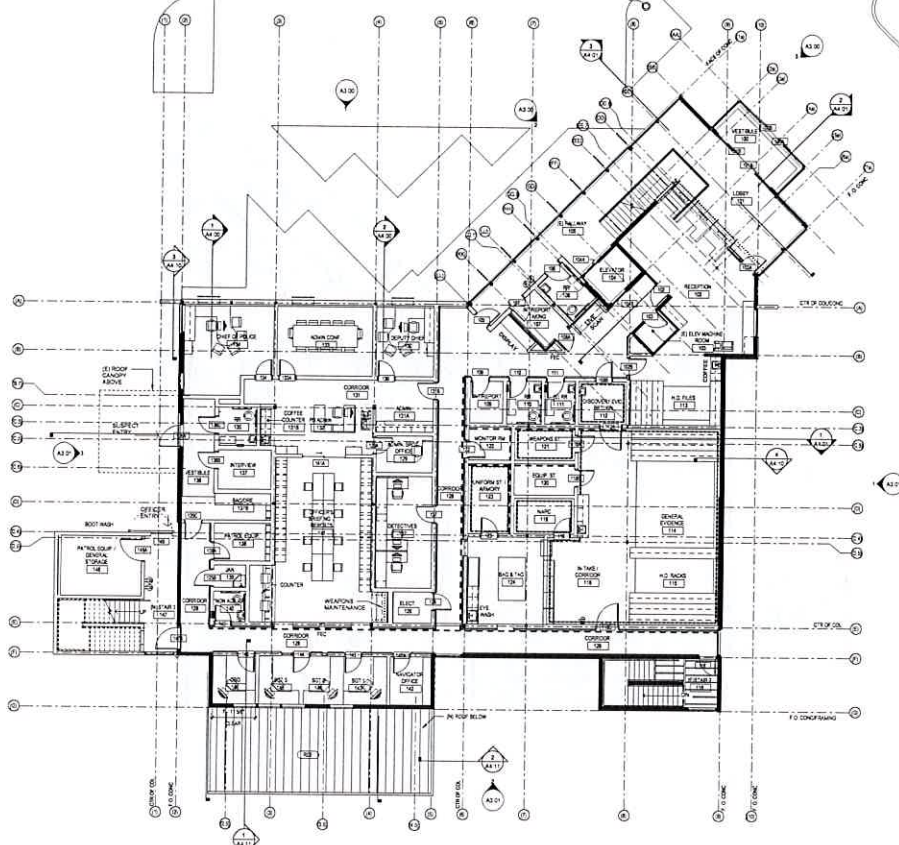
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GENERAL PLAN NOTES

- 1. ALL DIMENSIONS ARE DIMENSIONED TO CENTER OF ISLAND, UNLESS NOTED OTHERWISE.
- 2. DIMENSIONS ARE TO FACE OF WALL, UNLESS NOTED OTHERWISE.
- 3. DIMENSIONS OF FINISHED WINDOW OPENINGS ARE MEASURED AT TOP RAKE.
- 4. FINISHED FLOORING IS TO BE DETERMINED BY THE OWNER.

PLAN LEGEND

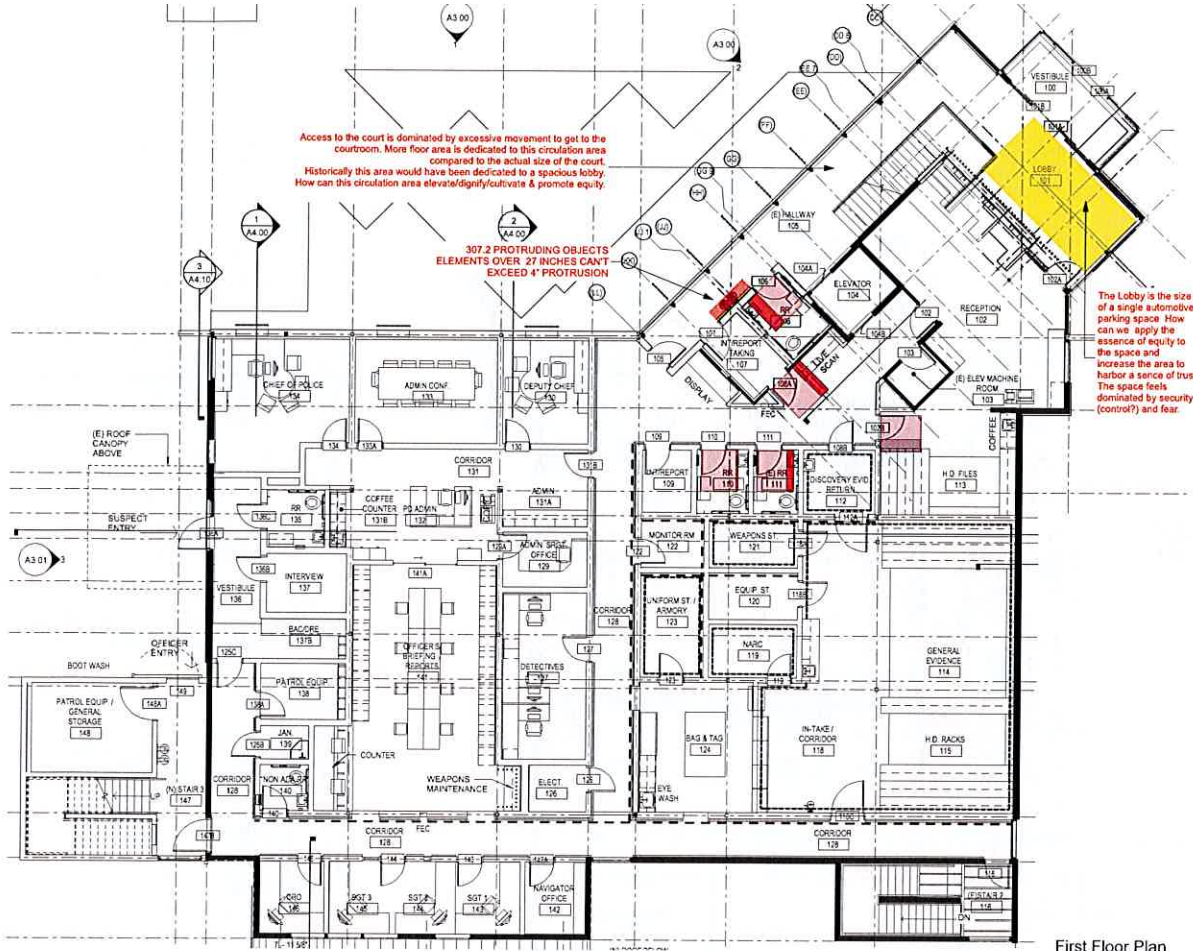
- EXISTING ITEM TO REMAIN
- NEW ITEM

LINE STYLE KEY

LINE STYLE	DESCRIPTION	REFERENCE
.....	LEVEL 1 BY CONSTRUCTION FINISHED FLOOR TO CEILING	10.00 A1.00 A1.00
.....	LEVEL 1 BY MATERIAL TO 4' UP	10.00 A1.00 A1.00
.....	STRUCTURE FLOOR TO STRUCTURE ABOVE	10.00 A1.00 A1.00
.....	STRUCTURE WALL	10.00 A1.00 A1.00
.....	STRUCTURE SHEET WALL	10.00 A1.00 A1.00
.....	STRUCTURE SHEET WALL	10.00 A1.00 A1.00

1 MAIN LEVEL - OVERALL FLOOR PLAN
SCALE: 1/8" = 1'-0"

A2.05



First Floor Plan

A-101

EQUITY + EQUALITY

The definition of equity in dictionaries is the quality of giving equal treatment to everyone while still acknowledging the differences between individuals. In this sense, equity means fairness in the way we act toward each person but keeping in mind his or her specific characteristics and needs. From a medical perspective, equity implies that everyone needs care and attention but not necessarily the same. It is also worth mentioning that the terms equity and equality are often used interchangeably but they mean different things, many because equality is based on the principle of universal rights, in which all individuals are subject to the same rules, without exception.

In the field of design and architecture, equity can be addressed at different levels. First, in terms of the workplace - with issues such as gender equality and the position of women in the field, and racial equality. Secondly, there is spatial equity, which is very specific to these disciplines. Therefore, architecture, urban planning, and design are considered important tools to materialize the principle of equity in the spaces we live in.

EQUITY ARCHITECTURE / CITY PLANNING

As we look at our society we see the beauty of so many different cultures and backgrounds of people. When you start to look at how people interact with each other within the community, it is so different in a diverse community than a community dominated by oneness. So many cultures are defined by sharing the public space, meeting up with friends, sharing a few moments with someone new and simply enjoying the sense of place together. Do we as architects and planners harbor the beauty of equity and community in our design?

A black planner with the City of New York, who grew up in Africa, shared his experiences at a UW workshop several years ago. Public spaces are not designed to nurture equity, rather they reflect our societal norms of individuality. The simple look at the placement of benches within a park or urban space says it all. Are benches placed together or clustered to harbor cultural community? Are they even placed to allow a conversation where you can actually look at someone while you are talking, see their expressions and even hear what they have to say? Or do they express the dominant paradigm of our white culture, a single bench placed along a path to capture a view, typically empty and totally void of capturing any sense of equity or community. Our culture does not understand equity or respect cultural differences. We structure our parks, public spaces and public buildings based on our own vision without respect for equity. He referred to this as structural racism. We see this expression all over the island.

Defining equity within the spatial reality of architecture and planning is no easy task. Spaces must define fairness and trust in the way we act toward each other while respecting each person's specific characteristics and needs. Are we providing equity within a structure where control and dominance, as defined by the architecture, is the rule? Is an environment where the specific members of the public feel threatened achieving the highest level of "public trust and confidence"?

The Principal Policy Goals of the Washington State Judicial Branch

1. Fair and Effective Administration of Justice
Washington courts will openly, fairly, efficiently and effectively administer justice in all cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts. Washington courts will affirmatively identify and eliminate bias-based practices and procedures that deny fair treatment for persons due to their race, gender, ability or other personal characteristics unrelated to the merits of their cases.

2. Accessibility
Washington courts, court facilities and court systems will be open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.

Equity, Equality and Accessibility are key components in the design of any public structure. There are some disturbing pieces to the proposed facilities. It is important that we look at "deconstruction" and "reconstruction" to help define equity and resolve a positive direction.

IF YOU SWING THE DOORS OUT & PROVIDE A VEST BULE IT WILL GIVE SPACE AND A SENCE OF ENTRY TO THE COURT ROOM AND HELPS BREAK UP THE 5' X 48' CORRIDOR.

A-102

Reconstruction of Equity

Knowing the profound impact of the design of physical infrastructure has on our social systems, there are many architects across the country attempting to revision the courthouse and it's associative architecture. However, in the face of continuing commitment to the adversarial values of our traditions, the change is difficult.---Our unconscious brain is highly sensitive to the environment we live in. Physical spaces are designed to surprise the unconscious brain through leveraging memory, evoking experience and inducing behaviors-peaceful, calm, and rational state of mind which would allow for rational conscious thinking process to overcome the reactivity of the unconscious brain.

Deanna VarBuren AIA, LEED
Peace in Place Project: Building healing spaces

The Watch Tower

Relocate the watch tower and dedicate the space to the public experience. Analyze the programmatic requirements and the negative impact of oversight and oppressive control. This is not a prison.

Be respectful of the court lobby as a point of energy - not that of control and surveillance.

Respect communication from the public with the layout and design.

Art Priorities

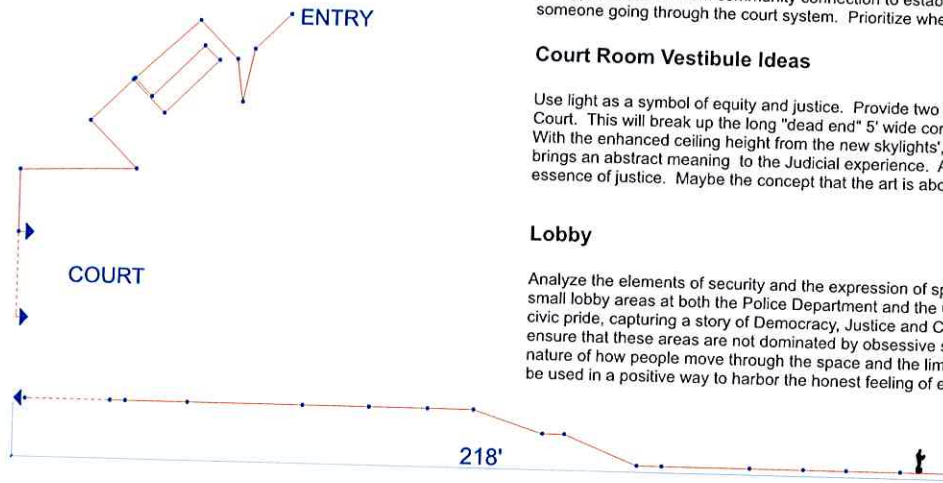
Analyze the excessive distance from the entry to the court room, the only "public" expression in the project. It is approximately 200 feet and symbolizes that justice is more of a back door than a priority; Analyze the vortex of energy established from community connection to establish the best location for artwork that may impact someone going through the court system. Prioritize where art provides equity?

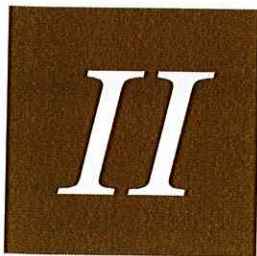
Court Room Vestibule Ideas

Use light as a symbol of equity and justice. Provide two large skylights at each of the new entry vestibules to the Court. This will break up the long "dead end" 5' wide corridor and accents the entry when one enters the court. With the enhanced ceiling height from the new skylights, incorporate a sculpture that hangs from above and brings an abstract meaning to the Judicial experience. A sculpture that expresses equity, nature and the essence of justice. Maybe the concept that the art is above, symbolizes looking up into the future.

Lobby

Analyze the elements of security and the expression of space as one enters the small lobby areas at both the Police Department and the Courtroom. Historically these spaces were elements of civic pride, capturing a story of Democracy, Justice and Civic Pride. Are these areas public spaces today? Let's ensure that these areas are not dominated by obsessive security and a sense of fear. Let's understand the true nature of how people move through the space and the limits that it puts on their comfort. How can these spaces be used in a positive way to harbor the honest feeling of equity.





Peace in Place Project: Building Healing Spaces

By Deanna VanBuren, Assoc. AIA, LEED AP, NOMA; Yuval Berger, MSW, RSW and Kimberly Fauss, JD

The Collaborative movement thrives on interdisciplinary connections and innovations. The Fetzer Symposium 2014 encouraged new and unexpected relationships embracing peacemaking between Collaborative Practice and health, contemplative thought and architecture. One exciting group conversation centered on the attributes of the physical space where we do our work. Many of the themes throughout the symposium invited us to embody our work – not just explain, educate and theorize about resolving disputes respectfully, but also to recognize, investigate and allow the physical expressions of conflict to be expressed, calmed and released. Physical experience impacts both clients who struggle in their transition as well as professionals who are located in and identified with the space.

An architect, mental health professional and lawyer have continued the conversation beyond the symposium to explore how Collaborative professionals can construct or renovate spaces in their communities that heal and nurture rather than separate and judge. Both research and experience demonstrate that the physical configuration of courtrooms, offices, mediation and restorative justice centers directly affect the people entering and using the space. The fortress model of traditional courtrooms creates distances and hierarchy while the haven model of contemporary offices offers sanctuary. The new edge of change for Collaborative professionals is how to intentionally design and incorporate hospitality into their practice so that love and forgiveness can emerge naturally to move clients beyond settlement to resolution.

Project Description

Collaborative Practice empowers clients to resolve legal disputes without traditional adversarial legal structures such as courts. In family matters specially trained Collaborative professionals from different disciplines guide clients in reaching balanced and lasting agreements. Collaborative Practice does this by managing conflict and directly engaging the team of clients and professionals together to generate acceptable options for clients and their families in their future lives. The Collaborative process is about creating a

new experience of safety for the clients in a time of great physical stress. Trust in the process and all professionals, respect for the personhood of all participants, integrity of action to provide information and contribute solutions are the foundational tools of Collaboration. The process provides emotional safety for clients to explore custom-designed plans. Each client is represented by a lawyer who is fully committed to a negotiated conclusion since representation will terminate upon any contested court proceedings. This commitment to safety encourages the client to attempt new behavior. Just as the professional team strives to be a metaphorical safe container for the dispute, the physical environment of Collaborative negotiations can be an actual safe container enhancing respectful attitudes for both clients and professionals.

The primary area of practice for many Collaborative professionals remains family law in which the central values of love and forgiveness may seem to have been forsaken. In the breakdown of a marriage, anger, betrayal and hurt are familiar and often barriers to open dialogue and proactive future financial planning. Often the feelings of anger, betrayal and hurt are fueled or even encouraged in a zero sum contest to win the most. Forgiveness is a conscious, willful choice to turn away from the pain and discover a larger context for change, restoration and hope. Forgiveness is not an outcome, but a process of compartmentalizing, leaving behind and co-creating a future relationship. To achieve this state, the professional actively facilitates clients by quieting anger, acknowledging the transgression, moderating civility, modeling empathy and inviting a new beginning. This context for forgiveness can be reflected and enhanced by the physical surroundings - from the shape of the table to the seating arrangement, lighting and wall colors.

Likewise professionals are influenced by physical space. To move beyond settlement of financial issues to the broader goal of resolution, they too must have a shift in attitude. The space and organization of the office, conference room and courtroom should remind the professional of his deepest values – justice, healing, trust - the reasons he went to

professional school. The broader conversation about love includes the professional's compassionate response to his clients, support staff and colleagues. Compassion calls us to suffer together with another and be moved to relieve that suffering. The peacemaking foundations of Collaborative Practice arise from a desire to relieve the suffering of families in the divorce transition by normalizing the stages of grief and restructuring families so they can thrive. The professional practicing compassion holds hope for his client until that client regains emotional balance, confidence and trust. Conflict conducted in healing spaces can support professionals in their work of relieving suffering, healing past memories, learning broader perspective so that their clients can rekindle love in future relationships.

Impact of Design

The professional practices of architecture, urban design and planning create spaces that reflect the values of society. This built environment forms the containers for nearly all the activities of our lives, and through evidence-based design research we are learning that these containers have a profound impact on how we feel and behave. For those new to the concept, evidence-based design is the process of basing design decisions about the built environment on rigorous research to achieve the best possible outcomes. It is also used to quantify the effects our current environments have on our health and well-being. In analyzing this research it is clear that the values inherent in our social systems, including those for justice, are the genesis for the physical environment. If we value winning, our spaces will create a field of conflict. If we value forgiveness, our spaces will be focused on healing. Within the context of the dispute resolution continuum we are seeing a dramatic shift in values taking us from the punitive to the transformative. New practices for dispute resolution, that include restorative justice and Collaborative Practice, have the potential to foster love, forgiveness and compassion for those in conflict rather than fear and alienation. However, in order to support this change we need to break from patriarchal and hierarchical spaces for conflict resolution and create environments that support different desired outcomes.

To frame the discussion and help non-designers to understand how this happens, it can be helpful to begin with the model we are most familiar - the courthouse. The American Correctional Association video series *Understanding the Criminal Justice System* uses the metaphor of a boxing ring to describe the adversarial process of conflict resolution to understand how this works spatially. In the boxing ring there is

a centralized infrastructure, unfamiliar to many and physically separated from the community. The entrance to the match has clear fortress-like barriers to entry and opaque walls to hide the various routes separating the participants (judges, the accused and the public). Inside the judge as referee sits on an elevated dais while the players themselves hit back and forth verbally within the carefully defined footwork of the courtroom. These are distinct formal strategies that reinforce the power relationships and adversarial nature of the proceedings. Once the round is over, both the winner and loser return to their corners physically, mentally and emotionally hurt and in pain.

While this is the experience of many families, communities and individuals entering our courts, the user experience of the physical design of courthouses is anecdotal. There has been little evidence-based design research done on courtroom settings. However we can extrapolate data from research done in other building types with similar values, such as prisons and jails. For example, current research and literature in the design of these institutions, which includes work being done by architects in collaboration with social workers and incarcerated students, suggests that to some extent the violence and anger prevalent in correctional facilities are attributable to the architecture and design of the physical spaces that induce incredible amounts of stress. Some of these features include loss of privacy, poor acoustics exacerbated by hard surfaces, lack of control and isolation from nature - especially sunlight (Wener, 2012). It is interesting to see that many of these same features are found in the design of the courthouse. Lawyer and architect, Paul Spencer Byard, makes reference to how the amount and types of spaces might replicate these conditions:

The bind comes from a dominant postmodern political emphasis on criminalization, prohibition and retribution as proper responses to socially undesirable behavior. This emphasis produces for the architect an almost insuperable programmatic overload in the quantities of space for courtrooms and related functions - duplicated and even trebled by requirements for segregation and security - to accommodate all the required adjudication and punishment (*Celebrating the Courthouse*, p. 143).

Byard means by "bind" that neither the anecdotal, qualitative or quantitative research in the destructive nature of these settings has led to a shift in the design of spaces for traditional dispute resolution nor retribution since there has been no change in underlying values. It is this bind that led to the development of alternatives such as Collaborative law. As a practice further

along the continuum of dispute resolution, Collaborative law had to physically divorce itself from the courthouse in order to foster its values of trust, respect and integrity. These values can now also manifest physically to support the families, professionals and the unique spatial needs of this process. Collaborative professionals are actually well-positioned to participate in creation of spaces that relieve suffering, reduce physical and mental stress and provide emotional safety.

How do you as a Collaborative professional take ownership of space to transform yourself? How do you create a space that fosters hospitality and emotional safety? These were questions asked of the Fetzer Symposium group looking at *Designing Space for Love and Forgiveness*. Sadly, we have few models of what this haven looks like within the context of the legal profession. The good news is that we can adapt solutions from evidence-based design research done in other building types expressing similar values, such as case health care, residential and work environments. These spaces share values rooted in creating places that support the emotional and physical well-being of those who use them. This shift in values has allowed architects and their clients to implement spatial strategies based on research to achieve better outcomes. In addition, the learning conversations between architect, mental health professionals and lawyers during the working group at the symposium raised early criteria on how to create spaces for collaboration that are designed to heal and nurture. Based on analysis of current evidence-based design research and real world projects for peacemaking and restorative justice, already designed and built, some of the most universal and relevant criteria we have identified for these environments include: personalization of space to elicit feelings of haven, home and hospitality, integration with nature and providing a sense of scale and control.

Not unlike your home, your office is a place where you have some form of control over the surroundings. When you contextualize the places where you work as a significant place in your life, then it can contain symbolic content that reflects your values, your personality and supports your emotional state of mind (Bailer, 2002). Creating a comfortable warm and welcoming space through personalization can also begin to establish the basic level of intimacy required for trust in facilitated dispute resolution processes. In an early study on the Effects of Interior Design on Communication, researchers Chaikin, Delega and Miller discovered that self-disclosure was greater in a warm, intimate counseling setting (Page K Pressly, Spring 2001, p. 152). In residential facilities where there is prolonged exposure to an

environment, personalization of space has been shown to mitigate aggression and anxiety (Wener, 2012, p.125). Plants and artwork with certain themes are simple elements to implement that can be part of the strategy. For example, art that represents nature, as opposed to abstracts or urban settings, has positive physiological and emotional effects in offices, hospitals and institutional settings (Roger S. Ulrich, 2008) (Wener, 2012, p. 222). This personalization can also manifest in textures, colors, furnishings, objects, imagery and lighting that reflects character and personality rather than corporate or institutional identity. Your physical space is essentially a reflection of you and your values.

Another related aspect of personalization is the creation of positive entry experience that reflects one of welcome and hospitality. At the symposium workshop, Collaborative practitioners explored both needs and solutions to this aspect of their spaces. What is the first thing that people see? Who is greeting them? Many decided to remove diplomas, others who were unable to staff a front desk had their dog greet visitors as they came. Other practitioners made sure there was a place for food and coffee. In our work in designing centers for native peacemaking, clients have asked for a greeter instead of a waiting room or to have a lobby space filled with visual interest and activities that helps take some of the focus off the difficult dialogue about to take place. Another aspect of this experience is a desire for depth of view through low walls, shelves or glass to reduce anxiety that comes when entering an unfamiliar space or relieve overcrowding in a small or cramped area. As a start, being mindful of these basic aspects of the environment can provide a way for practitioners to care for themselves and create an experience that can be a calm space in the midst of chaos.

The American Institute of Stress shows that second only to the death of a spouse, divorce and separation from a mate are the most stressful life events, with illness a close third. In evidence-based design of health care facilities, one of the primary goals has been to explore how the environment can be used to reduce this stress and can be directly applied to spaces for dispute resolution. One well-researched aspect is the impact of integrating man-made environment with nature. This includes windows that allow daylight, fresh air and views to nature, natural elements within the space and access to gardens or outdoor spaces for reflection and social interaction. For example it has been proven in multiple building types that environments with views to nature and plants reduce anxiety and stress that lead to fear, anger and violence (Francis E Kuo, July 2001) (Roger S. Ulrich, 2008, p.

36) (Wener, 2012, p. 222). More importantly for those visiting a space for shorter amounts of time, the physiological reactions that illicit stress can abate within five minutes with views to real or representative images of nature (Roger S. Ulrich, 2008, p. 35). Windows that allow in daylight and provide visual interest also reduce mental fatigue, promote emotional recovery, improve mental function and provide relief from depression (Roger S. Ulrich, 2008, p. 42) (Heschong Mahone Group, October 2003, p.120). While fuller spectrum artificial light can help, well-controlled daylighting and a link to the outdoors is one of the most powerful design features one can draw on to create an environment that is emotionally and physically supportive.

Most of these elements form a proxy for home where we have complete control over our space. This includes not just the object and aspects of nature that surround us, but also lighting levels, thermal conditions, interpersonal space (body buffer zones) and levels of social engagement. Studies of student perceptions of faculty office environments showed that they felt more welcome and at ease in offices in which they felt more control over their surroundings. (Page K Pressly, Spring 2001, p. 152). It has also been shown in hospital, workplace and residential settings that when people feel they have control over what happens to them in the physical space, they are less stressed and frustrated (Wener, 2012, pp. 117-122, 199), (Augustin, 2009) (Ann Sloan Develin, 2003, p.672). This might be the ability to open a window to stay cool, close a window to control sound, move one's chair to alter interpersonal space, dim the lights or leave the room to process and reflect.

The combination of these elements is a preliminary framework for understanding how the Collaborative practitioner can harness the power of design to represent the values of the process. Returning to the vision of the boxing ring, we can see the radical difference between the spaces of the courthouse and the kinds of spaces we are talking about for collaborative offices. Knowing the profound impact the design of physical infrastructure has on our social systems, there are many architects across the country attempting to re-vision the courthouse and its associative architecture. However, in the face of a continuing commitment to the adversarial values of our traditional system, this change is difficult. It is not surprising that in an effort to create a new paradigm for one of the more stressful events in people's lives, the closing of the courthouse doors has been essential. In doing so Collaborative practitioners can generate environments that reflect and support different

outcomes and should be empowered with the tools to do so. By understanding the research in other places that promote calm and healing and by engendering mindfulness around the impact environment has on our health and well-being, the intention of this project is to develop thought leadership to inspire Collaborative professionals to create spaces of dispute resolution that embody love and forgiveness.

Entering through the Back Door: How Physical Space Can Surprise the Unconscious

The human brain has evolved over many millions of years to protect us from danger, real or perceived, physical or psychological. In the psychological realm, threats can range from failures, rejection, inconsistencies of awareness of our mortality, small frustrations or hassles of everyday life. The brain is equipped with billions of neurons organized in separate regions, yet all connected. These neurons can identify, analyze and respond to real or perceived danger swiftly and effectively. This system has protected us over many millions of years with one goal - our survival as a species! The defended self reacts arising from unconscious sensory motor strategies anchored in the spine and nervous system.

The brain's ability to defend the self is largely dependent on an unconscious, rapid cascade of internal processes which result in automatic behaviour. The way we react to the perceived danger lacks conscious psychological process, such as cognition, choice, linear sequence thinking, etc. Our brain response to the challenge of threats is significantly quicker than when the brain is challenged, for example, to collaborate with another human being. When competing needs arise, the need to defend the self would 'veto' all other human needs. Some evolutionary psychologists would argue that our brain better serves as a war apparatus than as a relational one.

Divorce or separation from an emotionally-committed relationship is a traumatic and extremely stressful event. The trauma of the divorce is compounded by the fact that during the time that individuals work through their own bereavement, they are challenged by the need to make many important decisions regarding their children, their accommodation, as well as financial matters.

In many divorces, conflicts arise as the two clients negotiate the next step. Some conflicts have their origins in the psychological responses to feelings of being hurt, humiliated or shamed by divorce. It seems that initiators and non-initiators share similar emotional responses to divorce, but

the timing of the responses is different: initiators experience more change, stress, and personal growth at the beginning of the divorce process, whereas non-initiators report the same feelings later on in the process.

Unlike dealing with the death of a spouse, divorce is a voluntary process. Although there are similarities between divorce and the loss of the spouse through death, nonetheless, given the nature of the loss, adjustment to divorce seems more difficult than adjustment to widowhood. Death is a matter of fact, which often permits an idealized view of the deceased one, whereas divorce often shows the ambivalence of the feelings present in some relationships.

Considering the complex psychological nature of the divorce and the conflict in which it is embedded, it is normal and expected for individuals dealing with divorce to feel angry, self-protective, self-justifying and victimized by the divorce. These responses are not a matter of choice or a voluntary state of mind, but rather a biological response of the self to protect and defend the self when feeling threatened and in danger. Evolution equipped us with this mechanism to preserve and protect as a species.

There are many definitions of forgiveness. However, psychological academics and researchers conclude that forgiveness is a conscious process in which the person who forgives intentionally chose to do so. According to Enright & Fitzgibbons (2000), people, upon rationally determining that they have been unfairly treated, forgive when they willfully abandon resentment and related responses (to which they have a right), and endeavor to respond to the wrongdoer based on a moral principle of beneficence, which may include compassion, unconditional worth, generosity, and moral love (to which the wrongdoer, by nature of the hurtful act or acts, has no right). When a person forgives, changes occur in the affective, cognitive, and behavioral systems. For example, negative emotions, such as anger, hatred, resentment, and sadness, are given up and are replaced with more neutral emotions and, eventually, positive affect. With forgiveness, one recognizes that a hurt has occurred, yet one consciously chooses to release resentment and anger.

The psychological challenge for the divorcing couple while engaging in the separation process, regardless of who is the initiator or the non-initiator of the divorce, is how to pursue a rational, conscious process which employs logical, objective, and systematic methods of thinking, including the choice to

cultivate forgiveness, while the unconscious brain is caught up in a self-defended, self-righteous state of mind.

Our unconscious brain is highly sensitive to the environment in which we live. Physical spaces are designed to 'surprise the unconscious brain' through leveraging memory, evoking experiences and inducing behaviours. The space in which the Collaborative process unfolds may assist the person in cultivating a peaceful, calm and rational state of mind which would allow for rational conscious thinking process to overcome the reactivity of the unconscious brain. The potentiality of the physical space as a stimulus for activating moods, attitudes, decision-making, leveraging values, including forgiveness, for the individual who has been dealing with the traumatic experience of separation, has not yet been fully explored as a resource by Collaborative professionals, even though its impact on the self has been documented in research studies. This is a new frontier, and a very exciting one for the Collaborative movement.

The Collaborative process is about creating a new experience of safety for the clients. This kind of safety provides an atmosphere for inspired guidance by the professionals; and for the client, it provides the courage to attempt new behaviour. By soothing the negative feelings associated with separation and activating calm and safe experience, the individual can reorganize mindset toward the conflict. A change in the mindset may impact the ability to appraise the challenges they are facing with a less 'catastrophic' stance so that the individual may consider 'outside-the-box' options, increase empathy to the spouse's pain and possibly choose forgiveness.

Change and Other Challenges to Professional Identity

Although the evidence-based research demonstrates that design follows values and that clients have physiological responses to the perceived safety of environment, the final hurdle to a collaborative reorientation to physical space is the professionals themselves. In our struggle to remove traditional barriers to consensual family restructuring, the professional community is still coming to terms with the restructuring of our own assumptions and responses. As a movement, Collaboration has embraced a self-reflective orientation to evaluate the impact of our aptitudes and attitudes on client functionality. Likewise, clients in continuing conflict have the ability to hijack even the best intentions of the professionals through positional thinking, advocacy, alignment, transference, counter-transference and other invisible pulls toward long-standing habits of

adversarial work. Professionals need visible reminders of their higher values in the workplace to strengthen their commitment to respectful practice.

Traditional fortress environments developed alongside the hierarchical evolution of law and social institutions administering justice. From a power-based system of the Dark Ages where might made right, the legal system of the 11th Century moved into rights-based justice arising from ecclesiastical courts, imbued with the authority of God and King (Fauss, 2010). The divine rightness of the law was defended by professionals who professed their faith and duty. The legacy of the rightness of this system lingers today among professionals and clients alike forming an implicit identity for judges and lawyers. Moving family matters from the courtroom to negotiation settings became acceptable only as no-fault divorce statutes became ubiquitous in the 1970's. It took a single boy to point at the Emperor with no clothes and ask "why do we continue to subject families to the same assumptions and values embedded in property-based, distributive legal processes?" That boy was Stu Webb in the 1990's who chose a different set of values within himself. His courage has allowed family law professionals to follow the exodus from hierarchy and power.

Yet 25 years in the making, Collaboration is still considered an alternative. Professionals trained and successful in the adversarial model have an ingrained preference for the environments that perpetuate this identity. Clients in the stress of fight or flight unwittingly reinforce the hierarchy by turning over decision-making to someone with exclusive knowledge and experience in this unknown landscape. Without mentoring, community and life changes, Collaborative professionals risk relapsing into habits which have been successful in court, in adversarial negotiation and in society's acknowledgment of professional power. Many professionals are called to take an introductory Collaborative training by personal values of peacemaking, love and forgiveness, but struggle to align their professional practice in ways which will support continued growth and maturity as a facilitator of disputes.

When the professional resonates with these deeply held values, the clients notice. Neuroscience suggests that there is an entrainment that happens between people in conversation arising from empathetic networks of mirror neurons. Curiosity and open questions will elicit a different response from clients than fact-oriented discovery that compartmentalizes the client's lived experience. The attitude of the professional has an impact on how the client shares

his story. The information the professional gives, whether process-oriented (how we will move forward) or substantive (what you can expect) will either calm the client or anchor the client to protective reactions. The professional is in the best position to focus attention on one goal or the other. And the professional will be influenced by the setting of the interaction. Does hospitality shift the client's fear or does the planning of hospitality by the professional, including the room, the food on the table and the comfort of the chairs, shift the professional's perspective?

This is the core of the paradigm shift Collaborative professionals experience: moving the clients from fear to calm, from emotional dependence to generativity and from settlement to resolution. There are emotional, mental and physical transformations in the professional first, so that the clients can be guided, refocused and allowed to express their highest values as well. So the natural progression of the shift is for Collaborative professionals to surround themselves with indicia of these values. Creativity in clients and professionals can be tapped in the calm alertness instilled by the haven environment, allowing the clients to access his full range of memory, knowledge and experience to craft an acceptable and durable outcome.

The haven is our metaphor for environments which allow access to creativity and conversation, with its welcome and access to nature, beauty and calm. The different disciplines of Collaborative professionals may well have different access to office space or conference rooms that elicit the feeling of calm alertness. Many professionals are in group practices with significant overhead and colleagues who are not engaged in Collaborative Practice. Often staffs, receptionists and assistants, are not trained in the hospitality of the Collaborative table. So recommending structural changes to the practice environment may be costly and not practical. The Peace in Place Project will examine not only building new structures, but also redesigning existing spaces. Changing colors, lighting and implements of authority may be enough to shift the comfort of professional and client alike.

The value of compassion can then be expressed through the intentions of the Collaborative team: the desire to alleviate the suffering of our clients by offering an alternative. Even though the divorce transition for our clients is stressful and possibly even traumatic, Collaboration embodied in the physical can create the circumstances for forgiveness to be approached. The shift in power expressed in intentional space and human spirit can invite love and forgiveness into the future we create

together. The Collaborative team can hold this hope for the clients as they rediscover their values and potential for the future.

Moving Forward

Based on research in the diverse fields of architecture, psychology and neuroscience there is a connection between the design of place and outcome in the Collaborative process. Although coming from three different disciplines, the authors conclude that design of physical space has a substantive and transformative influence, positively or negatively, on the clients' emotional experience of conflict as well as on the emotional experience of the Collaborative professionals as they engage in the process. Place has the potential of transforming the clients from feeling defended, angry, guilty, afraid, lonely and powerlessness into calm, engaged and reflective. This shift from stress and dependency creates the possibility for the client to cultivate forgiveness. For the professionals, this shift from hierarchical vestiges of adversarial settings allows them to reclaim personal values of compassion for the suffering of families in conflict.

In addition to the structural design of place, there are a myriad of other variables that can impact the process that can be investigated. Colors chosen for the walls, textures of flooring, design considerations of window treatments, textiles and décor of a room may have subtle influence on mood. Research on the physiology of the eye has demonstrated that men and women see color differently, with men responding to bold colors and women to pastels. Lighting, especially fluorescent bulbs, has reflective qualities on faces which may subtly affect perception of emotions. Research on unconscious interpretation of facial cues may provide new insight into the significance of the visual reading of others in conflict. Egress and ingress to a space and flow between spaces may create barriers or invitation to sanctuary. Clutter, at the one end of the spectrum, or displays of accoutrements of success at the other, may convey messages of chaos or rigidity. While clients may need reassurance of professional qualifications, in Collaboration we are encouraging clients to use professionals as resources so they can rely more on their own internal expertise. All of these physical considerations become part of the Collaborative professional's canvas, and all can be managed with relatively low cost. Just as we are learning that there is an optimal point between fight or flight responses and lethargy, our goal is to create a space where the clients can optimize calmness and alertness. Our space should convey well-ordered establishments, yet accessibility and welcome to those who choose to participate actively in resolution.

The metaphor of the safe haven describes an emotion and a place. In this place the clients can find comfort and soothing at times when they feel threatened, frightened and in danger. They may step away from victim mentality, looping memories and isolation to discover a new view of self, expanded social networks and new ways of partnering. In addition to the feeling of calm engendered by safety, this haven can encourage the client to search for more expansive solutions to their situation by accessing creativity, explorative behaviors and empathy. The heart may be broken open here to forgive not only the other, but one's self. If Collaborative professionals can actively participate in the architecture of forgiveness, they may also reconstruct professional purpose into personal commitment to a compassionate life.

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