The courtrooms in the new United States Courthouse on Boston’s Fan Pier¹ are striking in their beauty. The architectural success of the courtrooms, from their shape to their stenciling, is attributable in part to the willingness of the court and the architects to learn from the designs of historic Massachusetts courtrooms.

The appearance of a courtroom is more than aesthetic. As the Supreme Judicial Court has ruled, there can be due process issues in a courtroom’s appearance. The court recently upheld bail hearings and arraignments conducted in a correctional facility because “The physical layout of the place in which the arraignments are held, and its accessibility to the public, are important considerations in deciding whether the proceedings conducted there are properly public. The room in which the arraignments are held looks like a courtroom.”²

The new federal courtrooms achieve a sense of openness, which is important to the judicial process. The Supreme Court of the United States has observed that “Openness enhances both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system.”³

Courtrooms must symbolize the expectation of the public and parties that within their confines there will be reasoned justice. Andrea Leers, an architect who has specialized in courtroom design, said there must be:

First, a sense of order and clarity reflecting the order of law; second, a demeanor of gravitas, seriousness, and nobility, and a feeling of lasting; third, a grand order together with a human scale; fourth, a professional movement from one realm to another; and fifth, an intensity of material and detail, be it powerfully archaic or sublimely refined.⁴

*Philip M. Cronin is a Boston attorney with Peabody & Arnold, who has tried cases in almost all Massachusetts courtrooms.

1. Fan Pier is named for its approximate original shape. A railroad terminus, where spur tracks fanned out, was located on Fan Pier following the filling in of South Bay and Dorchester Flats, particularly after the Great Fire of 1872.
Massachusetts courtrooms have not always been in courthouses. The federal court, organized under the Articles of Confederation before the adoption of the United States Constitution, held its first sessions at the Bunch of Grapes Tavern on State Street in Boston. When the courthouse on Court Street was built, the federal court moved to a second-floor courtroom with a fireplace, a table long enough for five judges, a jury box, a witness box, a clerk’s desk, and a counsel table. In 1857, the courtroom was in the Masonic Temple on Tremont Street next to St. Paul’s Cathedral. There it remained for twenty-five years.5

From the establishment of the Plymouth Colony until the American Revolution, courtrooms in Massachusetts were in structures that served various uses, such as town offices, markets, and taverns. Because there was no separation of the executive, legislative, and judicial branches of government, meeting-houses were also used for all government functions and set the pattern for later structures.

The oldest existing wood courthouse in the United States is the old Plymouth Courthouse, built in 1749.6 (FIGURE 1) The courtroom was on the second floor. According to a lawyer who had seen the courtroom, “[It] was provided with a raised desk for the judge, a desk below for the clerk, a sheriff’s box on one side, a court crier’s box on the other, the jury seats facing the judge, separating the lawyers’ area from the space for the public in the rear.”7

In 1761, Massachusetts built another significant meeting-house-style courthouse at Pownalborough.8 (FIGURE 2) This was the first courthouse north of York and Cumberland Counties. It was built by Gershom Flagg of Boston for the Proprietors of the Kennebec Purchase, which had formed in 1749 to settle the land along the Kennebec River.9 Pownalborough, named for Governor Thomas Pownal of Massachusetts, was then the shire town of Lincoln County, which covered three-fifths of that part of Massachusetts that is now Maine.10 Flagg situated the meetinghouse strategically on the bank of the Kennebec to allow the court officers, attorneys, and judges to approach the building by...
boat, when court was in session. The courtroom was designed like an early church. The elders' pew was the judge's bench. The deacon's seat was for the clerk, attorney general, and counsel. The jury sat in adjacent pews. The prisoner in chains sat in the broad aisle.\textsuperscript{11}

In 1794, the shire town for Lincoln County was moved to Wiscasset, which required another courthouse. Shortly before Maine became a state in 1820, Massachusetts began planning the new building in Wiscasset dedicated to court purposes. This courthouse was finished in 1824, four years after Maine became a state. It is now Maine's oldest active courthouse. The 1761 courthouse in Pownalborough, although no longer in use, still stands in the woods above the Kennebec River. It is in fairly good repair and open occasionally to the public.

The town house at Salem, Massachusetts, was built in 1718. The court chamber was altered and rebuilt in 1763. A plan used in the reconstruction provides perhaps the clearest concept of the early Massachusetts courtrooms.\textsuperscript{12} The judges' bench surrounded three sides of the courtroom, an unusual configuration designed to permit all the Justices of the Peace in Essex County, who assembled quarterly in the year as the Court of General Sessions, to sit together. Because the justices performed administrative and legislative tasks as well as conducting trials, it made sense that the bench be large enough to accommodate them all. The Superior Court of Judicature, the Court of Common Pleas, and the lowest level court, the General Sessions of the Peace, all used the courtroom. The table at one end was for counsel. Jury boxes lined each side of the room. This would enable the jury in one trial to leave for deliberation, while the next trial could commence. When the deliberating jury reached a decision, it could return to the courtroom with its verdict without unseating the jury for the on-going trial. Dual jury boxes became fixtures in early Massachusetts courtrooms such as those at Newburyport, Plymouth, and Salem. The sheriffs sat in the boxes opposite the counsel table. Altogether, the courtroom design was simple and functional.

By the beginning of the nineteenth century, Massachusetts Superior Court, Wiscasset, Maine. Lincoln County was named for Lincoln, England, the birthplace of Governor Pownal.

\textsuperscript{11} Address of William D. Patterson on the Centennial of the Lincoln County Courthouse in Wiscasset, Maine, 1924, in records of the Clerk of the Lincoln County Superior Court.

\textsuperscript{12} The plan was found in the Essex County records by Prof. Martha J. McNamara of the University of Maine at Orono. See Martha J. McNamara, Disciplining Justice: Massachusetts Courthouses and the Legal Profession, 1750-1850, 42, 244 (1995) (unpublished Ph.D. dissertation, Boston University) (on file with the Boston University Library).
Figure 1. The 1749 Plymouth Courthouse in Town Square. Photo: Philip M. Cronin.

Figure 2. The courthouse at Pownalborough, then Massachusetts, now Dresden, Maine. Photo: Philip M. Cronin.

Figure 3. Newburyport Superior Court courtroom. Photo: Keller and Peet Associates.
was building courthouses dedicated solely to court functions. The oldest such courtroom in continuing use today is the Essex County Superior Courtroom at Newburyport.

Completed in 1805, the building and courtroom is the design of the noted architect Charles Bulfinch. (FIGURE 3) As a student of Massachusetts courthouses between 1750 and 1850 said about the Newburyport courtroom:

The Courtroom did not stray far from the planning formula for Massachusetts courtrooms exemplified by the 1763 plan of the Salem Town House. The elevated judges' bench ran the width of the room with a clerk's desk directly below, jury boxes flanked the proceedings, and a "bar" with a prisoner's dock and boxes for sheriff and constable separated the acts of the court from the spectators.13

Newburyport may be considered the archetype of American courtroom design. But to understand the significance of Newburyport requires the introduction of Asher Benjamin and his relationship to Charles Bulfinch.

Asher Benjamin (1773-1845) was one of the most significant—and, unfortunately, perhaps forgotten—forces in the evolution of American architecture. Born in Hartford, Connecticut, he moved to Boston in 1802, making the transition from country builder to urban architect. His best known designs in Boston include the West Church (1806) and Charles Street Meeting-house (1807).14

The major influence on Benjamin was Charles Bulfinch. This led him on an extraordinary career, not just in design, but in the writing and assembly of the first comprehensive architectural and builders' guides in America.

In 1806, he completed and published his American Builder's Companion. It ran through numerous editions, with the most extensive one in 1811. He also wrote six other architectural books.15 As one biographer said:

Because of his country builder's background,

---

13. Id. at 86.
15. In addition to The American Builder's Companion (1806), Asher also wrote The Country Builder's Assistant (1793), The Rudiments of Architecture (1814), The Practical House Carpenter (1830), The Practice of Architecture (1833), The Builder's Guide (1838), and The Elements of Architecture (1843).
Benjamin could address his audience in a simple, unaffected, and knowing manner. If his designs were not highly creative or startlingly progressive, they at least established a level of competence in style and execution which helped two, if not three, generations of American rural builders throughout the North, South, and Midwest to achieve a measurable degree of sophistication.\(^6\)

The acknowledged influence of Bulfinch and his Newburyport courtroom is apparent in Benjamin's plan of a model courtroom in his *American Builder's Companion*. (FIGURE 4) The similarity between Newburyport and the Benjamin plan is strong.\(^7\) The layout is also comparable to the Wiscasset, Plymouth, and Salem courtrooms.

The Bulfinch inspired design that Benjamin employed at Newburyport had a bench at one end of a rectangular courtroom and desk in front for the clerk. Forward of the clerk was a seat for the attorney general, who in the early nineteenth century went on circuit with the judges. Carried over from the Salem Town House design were the two jury boxes. The attorneys sat between the juries. The witness stands were behind the attorneys' seats.\(^8\)

After moving the shire town for Lincoln County to Wiscasset in 1818, the Massachusetts General Court commissioned the design of a new courthouse. A major concern was fire. By the time plans were completed for a new brick fireproof courthouse in 1823, Maine had become a state and the brick exterior was the norm. (FIGURE 5) At about the same time (1820), the new Plymouth County Courthouse, similar to the one in Wiscasset, was completed.

"The surprisingly delicate courtroom [at the Barnstable County Superior Court at Barnstable] is perhaps the most beautiful in the Commonwealth," said a scholar of Massachusetts courthouses.\(^9\) One could say without exaggeration that it is one of the most beautiful in the United States. (FIGURE 6)

The Barnstable courtroom is particularly attractive because

---

17. Martha J. McNamara in her dissertation made the same observation. She said about Newburyport: "The plan for the second floor courtroom clearly delineates the room's organization and a strikingly similar plan published by Asher Benjamin in his 1806 edition of the *American Builder's Companion* provides a good comparison." McNamara, *supra* note 12, at 85.
Figure 5. Lincoln County Superior Court at Wiscasset, Maine. Photo: Philip M. Cronin.

Figure 4. Asher Benjamin plan of a model courtroom. Plate 58, *American Builder's Companion*.

Figure 6. Barnstable Superior Court courtroom. Photo: Philip M. Cronin.
of its church-like New England simplicity. The courthouse was built in 1832. In the years since there have been numerous additions to the original Greek revival granite structure, but no alteration to the original main courtroom was made until 1972, when it was rehabilitated.20

In a submittal to the United States Department of Interior’s National Register of Historic Places, the Barnstable County Commissioners wrote:

The courtroom was rehabilitated with sensitivity, saving as much as possible of the original fabric and putting back into use objects that had long been stored in the basement. The traditional judge’s bench, tables for the lawyers, and witness stand were all retained in their highly polished fine grained wood richness, and a silver and tin codfish, symbol of the Commonwealth and Cape, hangs among four shining chandeliers from the center of this spacious and elegant Federal style courtroom.21

Two ionic columns on either side of the bench symbolize order. Next to the columns are busts of Lemuel Shaw, chief justice of the Supreme Judicial Court, and Henry A. Scudder, justice of the Superior Court, both Barnstable men.

Barnstable introduced architectural stenciling into the design for Massachusetts courtrooms. Unlike the unadorned white plaster of Newburyport, Barnstable has an attractive stencil at the upper portion of each wall just below the ceiling.22 (FIGURE 7) The most distinctive feature of the ceiling is the ornamented dome with the sacred cod hanging from its center. Pew-like box spectator benches enhance the beauty of the room.

There were two other historic features of Massachusetts courtrooms. One remains, while the other is now extinct.

On the opening of a court term in the late eighteenth and early nineteenth centuries, the sheriff, judges, and attorneys formed a procession to the courthouse.23 The sheriff led the way with a long white rod or staff. Once in the courtroom, the sheriff placed the staff in a holder beside the sheriff’s box. The staff remains visible today in some courts, most notably in the court-

20. The additions, none of which directly affected the original structure, occurred in 1879, 1893, 1906, 1923 and 1971. Records of Barnstable County Commissioners.
21. Records of the Barnstable County Commissioners, Facility Dept.
22. Architecturally, the stencil is a lyrical frieze of Greek Anthemion Palmettes.
23. See Benjamin Lynde, Sr., & Benjamin Lynde, Jr., The Diaries of Benjamin Lynde and of Benjamin Lynde, Jr., 201 (Fitch Edward Oliver, ed., privately printed, 1880).
room for the Supreme Judicial Court.

The other historic feature was the prisoner's dock. Usually this partly caged area was in front of the bar facing the bench. After strong suggestions from the United States courts that the prisoner's dock was an anachronism that raised issues of due process infringement on the presumption of innocence, the Supreme Judicial Court in 1979 limited the use of the dock. In fact, the dock is now a relic.

A contemporary courtroom designer must consider a variety of issues. Andrea Leers points out that the configuration of the courthouse may dictate the size and shape of the courtroom. The shape can vary from rectangular to square, from oval to round. A rectangular courtroom may be long or short.

Once the designer decides on the size and shape of the courtroom, the next critical issue is the location of the judge's bench and the witness and jury boxes. There are a number of locations for all three. Traditionally, Massachusetts courtrooms placed the judge at one end of the courtroom with the witness box adjacent to the bench. But that is not fully satisfactory because the judge has a side view of the witness.

The size of the jury box is an obvious constraint; the larger the number of jurors in the box, the more the available space in the rest of the courtroom is reduced. The designer must also grapple with other, more decorative facets as well, including the wall finish, lighting, paneling, type of wood, ornamentation, and furnishings.

Andrea Leers's designs of the Newburyport District and the Lawrence District courtrooms illustrate contemporary solutions to courtroom design. The Newburyport District courtroom is a long rectangle. Alternate witness boxes give the judge and jury the option of different locations for the witnesses. The jury box holds fourteen jurors. The attorneys' tables are adjacent to the jury box. (FIGURE 8) The Lawrence District Court is square. Its witness box is conventionally placed beside the judge's bench. Its jury box is small, providing more space for counsel tables. (FIGURE 9)


25. Andrea Leers has taught a course on "The New American Courthouse" at the Graduate School of Design at Harvard University. She was the Architect for the U.S. Courthouses in Worcester, MA, and Portland, ME, and the Lawrence Judicial Complex, Lawrence, and Northern Essex District Courthouses, Newburyport.

26. Rectangular courtrooms include Plymouth, Barnstable and Salem.

27. Perhaps Massachusetts's most unusual courtroom configuration is the Concord District Court which has two oval and one round courtrooms.

28. The courthouse and hence the courtroom at the Lister County Courthouse in Solvesborg, Sweden are perfectly round.
Figure 7. Barnstable Superior Court courtroom stencil. Photo: Philip M. Cronin.

Figure 8. Plan of Newburyport District courtroom. Andrea P. Leers, Architect.

Figure 9. Plan of Lawrence District courtroom. Andrea P. Leers, Architect.
Henry N. Cobb and Ian Bader, architects for the new Federal courthouse, employed the rectangular Massachusetts courtroom. Specifically, they benefited from the tradition of beauty in Massachusetts courtrooms using the walls of Newburyport, the entrance of Wiscasset, the seating of Lowell, and the ornamentation of Barnstable and Taunton.29

Henry N. Cobb said about the federal courtrooms:

The mood of probity and restraint in the careful adjudication of dispute is reinforced by the motif of large arches, defined by wood moldings and stenciled ornament, that are distinguishing features of these courtrooms, dignifying equally each of the participants—judge, jury, witness, litigants, lawyers, spectators—in the proceedings that take place therein.30

The overall impact of the courthouse and courtrooms is one of openness. This is achieved with the brick entrance to the courtrooms. The origin of the entrance is the exterior main doorway of the Lincoln County Courthouse at Wiscasset. (FIGURE 10) The beehive shape of the entrance draws the public and litigants into the courtroom. The design invites; it does not intimidate. (FIGURE 11)

The courtrooms' overall color scheme of white plaster with dark wood derives from the Essex County Superior courtroom at Newburyport. The Federal courtrooms have English brown oak veneer with American white oak stain to match as trim. The earlier courthouses at Plymouth and Pownalborough, and the later courthouses at Newburyport and Barnstable, relied on natural light. Federal Court guidelines, however, militate against the use of natural light. To give the Federal courtroom the appearance of natural light, the architects provided for uplit illuminated recesses along the perimeter of the courtrooms.

Each courtroom has four chandeliers, a design common in Massachusetts courts. But within each chandelier are flood lights that both enhance the general illumination of the rooms and shine on the ceiling, reinforcing the radiance of the central dome. Barnstable and the Bristol County Superior Courtroom at Taunton have ornate domes. (FIGURE 12)

An extraordinary feature of the new Federal courtrooms are

30. United States Courthouse and Harborpark, Boston, Mass., Pei Cobb Freed & Partner Architects LLP.
Figure 10. Entrance to Lincoln County Courthouse, Wiscasset, Maine. Photo: Philip M. Cronin.

Figure 11. Entrance to United States District Court courtroom. Photo: © Steve Rosenthal.

Figure 12. Taunton Superior Court courtroom. Photo: Philip M. Cronin.

Figure 13. Stencil at United States District Court. Photo: © Steve Rosenthal.
Figure 14. Stencil at Bristol County Superior Court at Taunton. Photo: Philip M. Cronin.

Figure 15. Seats with spindle backs at Middlesex Superior Court at Lowell. Photo: Keller and Peet Associates.

Figure 16. Courtroom at United States Courthouse. Photo: Steve Rosenthal.

Figure 17. Geometric stencil design from courtroom, United States Courthouse, Boston.
the four arches, one on each wall. These are unprecedented in American courtrooms. They symbolize the coming together of judge, jury, witness, and the public to achieve peaceful resolution of civil disputes and fair trial of criminal cases. Above the arches is a stencil pattern (FIGURE 13), again inspired by Barnstable and Taunton. (FIGURE 14)

The pattern used in the stencil in the Federal courtrooms, however, is unique. The predominant color of the stencil varies with each level and rug color. The rugs in the third-level courtrooms are green and the stencil is mainly green. The fifth floor courtrooms have blue rugs and stencil, and the seventh floor courtrooms have red rugs and stencils.

The design origin is a geometric adaption of the layout of the conoid glass curtain wall,31 the most dramatic architectural feature of the new Federal courthouse. The cone-like or conoid glass curtain wall is an immense stretch of glass, 372 feet long and 88 feet high. It accomplishes, more than any other design, the sense of openness that is so fundamental to American justice.

The interiors of the courtrooms echo that sense of openness. This is achieved in several ways. The spectators' benches replicate those at the Middlesex County Superior Courtroom at Lowell. (FIGURE 15) The backs of the benches have spindles that allow clear sight lines to the judge, jury and litigants. The rail of the bar enclosure has a square configuration at its base, giving a sense of order, and a system of squares at its top, carved with a circular motif, to provide open views for the public of the courtroom. In addition to the traditional manner of placing the witness beside the judge, the Federal courtrooms have the witness box opposite of and facing the jury.

Thus, the great Massachusetts courtrooms, from the early meetinghouse simplicity and colonial beauty to ornate decorations, from old Plymouth and Pownalborough to Newburyport, Wiscasset, Barnstable, Lowell and Taunton, all contributed details that the architects with their imagination synthesized to produce America's preeminent courtrooms. (FIGURE 16)

This tradition of courtroom openness was foreseen as early as May 5, 1713. Samuel Sewall, a justice of the Superior Court of Judicature and later its chief justice, spoke at the opening of Boston's new brick Town House, today's Old State House, which would also be the courthouse for the Massachusetts provincial courts. He, too, was impressed with the sense of openness that a modest glass panel gave the building. Sewall wrote down his

31. The stencil starts with the geometric pattern of the conoid wall with a series of overlapping and tangent circles with diagonally oriented squares; see FIGURE 17.
hope that in the future, "This large, transparent, costly Glass [would] serve to oblige the Attorneys always to set Things in a True Light." 32
