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Robert H. Jerry II

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A BRIEF EXPLORATION OF SPACE: SOME OBSERVATIONS ON LAW SCHOOL ARCHITECTURE

*Robert H. Jerry, II**

I have no special expertise in architecture or design, but I have lived and worked in many different kinds of space. On the personal side, during the last twenty-five years I have owned seven different homes, ranging from very small to more substantial and from very new to rather old. Some purchases proved to be good decisions, and others were mistakes. With the help of an architect, Lisa and I extensively remodeled one home. In personal home ownerships, I have given considerable thought to how space affects our lives and especially the feelings, moods, attitudes, and development of our family.

During this same period, I have also worked in many different kinds of law school space. My first faculty position in 1981 took me to the University of Kansas, which at the time had a state-of-the-art building that had been dedicated only four years earlier. During the next thirteen years, I watched this new building age, and I observed how good decisions made about space in the mid-1970s held up against the changing demands placed on law schools in the 1980s and early 1990s. In the mid-1990s, I spent four years at the University of Memphis in its aging, not so gracefully, 1960s-vintage building. I spent the next five years at the University of Missouri-Columbia, where I worked in its award-winning building which opened in 1988. I became dean at the Levin College of Law at the University of Florida on July 1, 2003, and only six days later, we broke ground and commenced a project that is substantially augmenting and reconstructing facilities that were in desperate need of renovation. As I write this essay, I am living through the transformation of a facility that was previously dysfunctional in many respects into a law school campus of which Florida alumni, faculty, staff, and students will be very proud. This new facility had been planned and substantially all the funding had been secured before I arrived at Florida. But in recent months, from my vantage point in a double-wide trailer near the construction site where the dean's office is temporarily located, I have learned much about implementing a construction plan.

* Dean and Levin, Mabie and Levin Professor, Fredric G. Levin College of Law, University of Florida. I thank the program committee of the Southeastern Association of Law Schools for inviting me to make a brief presentation on the subject of law school architecture at the 2004 SEALS annual meeting at Kiawah Island, South Carolina. Some of the ideas in this essay were a part of that August 2004 presentation. I also thank the other panelists, Professor Patrick Hardin of the University of Tennessee College of Law and Peter Saylor of the Philadelphia architecture firm of Dagit Saylor, as well as the panel's moderator, Jon Mills, Dean Emeritus at the Levin College of Law, for their comments during that session, which encouraged me to give additional thought to this subject. I am also particularly grateful to Patrick J. Shannon, Associate Dean for Administrative Affairs at the Levin College of Law, for his valuable insights and suggestions during our many conversations about the subject of this essay.

Thus, both personal and professional experiences inform my thinking about law school architecture and design.

I. WHY ARCHITECTURE MATTERS¹

At the risk of stating the obvious, architecture matters. The nature of the space in which we work, teach, and study is important. The design of our surroundings affects our attitudes, moods, self-esteem, efficiency, and sense of community. For our students, space makes a difference in the quality of the learning experience. It is possible to teach and learn in deficient space, but it is easier to teach and learn when both faculty and students are comfortable, happy, and not distracted by the inconveniences and annoyances of a poorly designed environment. Inadequate space prevents us from achieving all of which we are capable, thereby diminishing our productivity, creativity, and accomplishments. If deficient space limits our future, then good space can expand it. Ultimately, the space around us helps define who we are and what we can achieve.

That architecture and human experience are closely related is not news to the architecture profession. Indeed, I assume that this idea, in one iteration or another, is pounded into the minds of architecture students everywhere. When these students are asked to reflect on architecture theory and the function of the architect, I assume that they are introduced to the ideas and beliefs of those who played major roles in shaping architecture's development. Louis Henri Sullivan, America's first great modern architect, would be counted as one of these highly influential figures. Although widely known for the phrase "form follows function," Sullivan's beliefs about architecture were much more spiritual and complex:

To vitalize building materials, to animate them with a thought, a state of feeling, to charge them with a social significance and value, to make them a visible part of the social fabric, to infuse into them the true life of the people, to impart to them the best that is in the people, as the eye of the poet, looking beneath the surface of life, sees the best that is in the people—such is the true function of the architect—for understood in these terms, the architect is one kind of poet, and his work one form of poetry.²

Sullivan's point, spoken from the perspective of the architect, is that design unites physical space with the persons who use it. Noted art critic Robert Hughes explains Sullivan's "messianic" vision as "bring[ing] into being a transitional unity between spirit, matter, and society."³ In uniting people with space, architecture shapes the experiences of those who occupy it, influences outcomes, and has profound influence on the characteristics of our culture.

1. After titling this subsection with this phrase, I did a "Google" search for "why architecture matters" and discovered the existence of a book published by the University of Chicago Press with that very title: BLAIR KAMIN, *WHY ARCHITECTURE MATTERS: LESSONS FROM CHICAGO* (2001).

2. LOUIS H. SULLIVAN, *KINDERGARTEN CHATS AND OTHER WRITINGS* 282 (1979).

3. ROBERT HUGHES, *AMERICAN VISIONS: THE EPIC HISTORY OF ART IN AMERICA* 282 (1997).

II. WHY LAW SCHOOL ARCHITECTURE MATTERS

To again state the obvious, law school architecture affects the quality of the law school experience for both students and faculty. Consider, for example, two contrasting examples of the impact of space on a law school faculty's sense of community. Law school A, when planning its new building, opted not to invest in a substantial faculty lounge. Because the law school was relying on substantial public funding for its new building, the planning committee made a pragmatic judgment that state funds should be invested in high-quality academic uses, such as classrooms, the library, and clinical space, rather than areas that observers might criticize for having the principal purpose of aiding the faculty's relaxation. The final faculty lounge design resulted in a small room on an upper floor that could hold a sink, a mini-refrigerator, a small table with four chairs, and a couple of larger, upholstered chairs. Because the room could hold no more than six or seven faculty comfortably, the room was never used for large faculty gatherings and could not even be used for mid-size informal gatherings. A very nice, well designed conference room of sufficient size to hold the entire faculty was constructed on another floor. But this room also functioned as a seminar room, and it was not available for informal faculty gatherings.

Law school B approached the faculty lounge issue differently when planning its new building. A multi-use room was placed immediately adjacent to both the main office, which housed the secretarial pool and the faculty mailboxes, and a modest kitchen that served both the faculty and the staff. The room had enough upholstered chairs to seat the entire faculty and a large number of round and square coffee tables. The room functioned as a lounge, a faculty meeting room (until the faculty grew too large to sit in the room at once), and a faculty dining room when a particular event called for food service of this nature. Because the room was adjacent to the kitchen, it received traffic from faculty who wanted either to sit and drink a cup of coffee or to eat a lunch they had stored in the refrigerator. Because it was adjacent to the mailroom, it attracted faculty who found it a convenient place to sort through and read mail, a magazine, or a newspaper. Almost every day, an ad hoc faculty lunch group formed in the room, and an ad hoc coffee group could be found in the room most mornings and afternoons. Because of the nature of the space, the faculty at law school B developed a culture of faculty interaction wider and deeper than that at law school A.

Although the discussion above does not hide my preference for the design of the space at law school B, this is not to say that the choice made at law school A was ill-advised. Securing state support for the project was essential, and not creating a target for a legislator's criticism was important. Special faculty space is ordinarily a kind of enhancement more appropriate for private funding, but this was not easily accomplished when the resources were needed. At the time and place when the decision needed to be made, law school A's choice was sound, but it also had important consequences for the school's culture in ensuing decades. To the extent faculty interaction was not encouraged by this facet of the building's design, investing time and energy in promoting other means of interaction became more important, if such interaction was to be valued in the future. At law school B, an equally large investment of time and energy in facilitating faculty interaction was

not necessary, given the fact that the building's architecture encouraged and promoted significant interaction with its attendant benefits.

As Karen Rothenberg and Alan Hornstein have explained, in making choices about space, a law school "sends a message about institutional values and culture."⁴ They make this point with regard to choices made by the University of Maryland School of Law to install architectural and technological accommodations beyond those mandated by the Americans with Disabilities Act. In choosing to make additions that exceed statutory mandates, the law school makes a statement about the dignity of all visitors to and users of their facility. Professor Daniel Farber makes the same point about "culture follow[ing] architecture"⁵ with the example of the choices made by three different law schools for locating faculty offices. In his first example, the law school incorporated faculty offices into the library, which was not coincidental to the school's reputation "for its intense atmosphere of intellectual collegiality."⁶ The second law school placed faculty offices around the perimeter of the building and located its faculty lounge outside the building entirely. Those two circumstances reduced faculty interaction because of the extra time required to traverse or exit the building in order to visit a colleague. The result was a non-collegial environment where faculty were "not very heavily involved in a common intellectual life."⁷ His third law school example placed faculty in offices in different buildings scattered around the campus, which promoted factions and a hostile intellectual atmosphere.⁸ To these examples can be added the law school that places all faculty offices in a common hallway. This arrangement encourages faculty interaction but can deter interaction between faculty and students, who may be less likely to make the daunting journey down the faculty hallway than to visit faculty offices adjacent to student study areas in the library. Unless other efforts encourage student-faculty interchange, the faculty hallway model can promote a culture where the faculty is distant from the student body. Moreover, the contemporary reluctance to conduct faculty-student conferences behind closed doors presents problems for the floor plan where any conversation in a faculty office can be heard in the adjacent library stacks or study space. In short, locating faculty offices is an important decision with significant, far-reaching consequences.

The costs and benefits of some architectural choices are immediately obvious, as in the case of disability accommodations. But other choices are less obvious, even when one does not attempt to predict how a design will function thirty or forty years hence. This is why having a skilled design team involved in developing the plan and executing it is so important. Howie S. Ferguson⁹ makes this point well:

4. Karen H. Rothenberg & Alan D. Hornstein, *Building Community, Recognizing Dignity: Beyond the ADA*, 25 MENTAL & PHYSICAL DISABILITY L. REP. 709, 709 (2001).

5. Daniel A. Farber, *The Dead Hand of the Architect*, 19 HARV. J. L. & PUB. POL'Y 245, 247 (1996).

6. *Id.*

7. *Id.*

8. *Id.*

9. Howie S. Ferguson is Senior Project Manager in the University of Florida Facilities, Planning, and Construction Department. He is the project manager for the ongoing Levin College of Law renovation and construction project.

Consider the importance of the various non-architectural design trades that comprise the balance of the team and how their importance is underscored with nationwide growth in sustainable construction, building commissioning, and integrated technology.

High-dollar mechanical systems with life-cycle costs that may literally define the long term success or failure of a facility; site features and landscaping that are esthetically pleasing, maintainable, supportive of physical security, and non-intrusive in terms of the surrounding environ; telecommunications, controls, security, and audio-visual systems that are supportive of today's new facility and tomorrow's inevitable renovation and evolving technology—these and the other components of a design must be seamless parts of the whole. It is the responsibility of the design team to translate complex design components from narrative program and concept to a set of construction documents free of errors, omissions, and conflicts, code compliant and absent of flaws that make end users wonder later if anyone actually thought about what was drawn.

A talented lead architect with an impressive resume of similar facility types is simply not enough any more. Clearly, the Owner's challenge in [architect and engineering] selection is to determine which teams have the ability to work collaboratively [together] ... (between disciplines) and [with the] ... (Owner's project manager, contractor, end user, code and permitting officials, etc.).¹⁰

The facility now under construction at Florida was designed to change the culture of the law school by enhancing the college's sense of community. From the 1970s until the present construction project commenced, the law school at Florida occupied two individual rectangular buildings separated by a courtyard. On the second floor, an elevated Plexiglas tunnel provided a pedestrian link between the two buildings. Holland Hall had three stories and contained most of the classrooms, the faculty offices, the library, the auditorium, the Office of Student Affairs, and the Dean's Office. Bruton-Geer Hall had two stories and contained the clinics, the Office of Career Services, the Center for Government Responsibility, the legal writing faculty, a faculty dining room, a student cafeteria and accompanying food service area, and the Bailey Courtroom. One early plan called for constructing a third building on the site, which would have given the law campus three disjointed buildings instead of two. The design under construction will place two three-story towers between the two existing buildings. The open space framed by the two towers and the two existing buildings will form a courtyard with access to all classrooms and the library. Instead of one tunnel between the two buildings, there will be the ground floor courtyard and elevated walkways on all sides of the courtyard for both the second and third stories. The courtyard will become the law school's physical and spiritual center, and all of the college's major functions will be accessible from it.

The Florida construction and renovation project also illustrates the wisdom of being wary of the "state of the art." For example, during the 1960s and 1970s, public buildings, particularly those on university campuses, often followed the form

10. Howie S. Ferguson, *Selecting the Design Team—An Interview Process That Really Works*, OWNER'S PERSPECTIVE, Spring 2003, at 19.

of “brutalist” architecture.¹¹ The movement was pioneered in Europe by the French architect Le Corbusier, who experimented with new ways of using concrete. His “breton brut” (translated literally as “raw concrete”) technique involved exposed concrete, typically with a rough surface and no skin. In some situations, the technique had aesthetic and even spectacular or spiritual appeal, but in other settings the technique seemed hard, tough, blocky, heavy, and unrefined. The popularity of the brutalist form in public buildings was its relatively low cost; unfinished concrete was the intended appearance, which meant that walls were completed as soon as the forms were dismantled. The style was also conducive to solving weather and climate-control issues in large facilities. By the 1980s, however, a common reaction described the weighty, fortress-like mass of some brutalist designs as, purely and simply, ugly. The Florida law school buildings represented that brutalist style;¹² but by the early 2000s, students, generally unfamiliar with the architectural movement that gave rise to that design, actively wondered what the architects and planners of the earlier era were thinking. In other words, what was “state of the art” at construction became the object of derision within a couple of decades. Brutalism lacked “timelessness”—a style that would work comfortably in both the present and future eras.¹³ There is a broader lesson to be drawn from the brutalist era: signature architecture is less important than common sense, function, durability, and a workable design.

In a similar vein, the Florida construction and renovation project also illustrates the wisdom of choosing the functional and the practical over what may seem to be the “cutting edge.” To illustrate, when Holland Hall was constructed in 1968 and 1969, the building included a 750-seat auditorium. This was achieved by designing and building all the classrooms to open up onto the main auditorium. This multi-use space was thought to be the ultimate in modern, efficient design. Unfortunately, the balcony of the auditorium consisted of three classrooms with seating so steep that students referred to them as “the alpine rooms.” In practice, none of the classrooms was ever opened onto the auditorium. The auditorium thus became a 250-seat auditorium, both very shallow and very wide, with many awkward sight lines. Because the large auditorium was never used, the “multi-use room” became, in effect, a “no-use room,”¹⁴ with the residual effect that all of the college’s classrooms were poorly designed for their primary purpose. Shortly after it was built, Holland Hall won a significant architectural award because it represented what were thought to be some of the very best ideas of the era. By 2002, the

11. For more information defining brutalism, see generally *Modern Building Styles: Brutalism*, at www.emporis.com/en/ab/ds/sg/ra/bu/ca/ap/sy/mo/br (last visited Oct. 5, 2004); *Brutalism: A Human Modernism*, at www.open2.net/modernity/4_15.htm (last visited Oct. 5, 2004); *Virtual York: An Architectural Experience: Brutalism*, at www.yorklinks.net/VirtYork/brutal.htm (last visited Oct. 5, 2004); *Building Styles: Brutalism (1960-1970)*, at www.ontarioarchitecture.com/Brutalist.htm (last visited Oct. 5, 2004).

12. The Florida buildings incorporated brick and glass into the brutalist style, which was a variation found in many buildings that sought to create the effect of the early brutalist designs.

13. I am indebted to Peter Saylor of the Philadelphia architectural firm of Dagit Saylor for this insight. Mr. Saylor was a presenter on the panel mentioned in the introductory footnote.

14. I credit Patrick Shannon, Associate Dean for Administrative Affairs at the Levin College of Law, with this insight.

consensus was that at least half of Holland Hall should be demolished. The lesson to be drawn is to think carefully before investing in the latest "cutting-edge," innovative design; the more traditional may, in fact, be far more functional and practical over the longer term.

III. IMPLEMENTING THE PLAN

Richard Wood, Elliott Milstein, and Michael Greenfield have each written informative articles that provide considerable information about and useful guides to the challenges of developing and implementing law school construction projects.¹⁵ A number of the issues discussed in detail in those articles became important in the Florida construction and renovation project, and some of the more salient ones will be mentioned here.

Communication with the Faculty and Alumni Is Important, but the Law School must Speak to the Design Team with One Voice

Clearly, faculty must be involved in planning any new facility. Once planning is completed and construction is underway, the faculty must be kept informed of key decisions while construction is in progress and be apprised of unexpected developments, of which there will be many, that directly affect the faculty's present or future work. However, when the planning is done and the construction is underway, the law school's voice cannot be represented by a committee. During construction, many decisions must be made, sometimes very quickly, as new situations arise. The law school's interface with the project must go through one person, and it is the role of that person, in her capacity as overseer of the project, to keep the faculty and staff involved and informed.

Renovating an Occupied Building Has Special Challenges¹⁶

It is hard enough to build a new facility, but it is much harder to occupy a building that is under heavy renovation and reconstruction. In most renovation projects, how the building under renovation was actually constructed will not be known until renovation is well underway. At Florida, this meant, for example, surprises when electrical power, telephone, and network connections were unexpectedly cut in occupied portions of the building during demolition of unoccupied portions. Of course, it is important to plan ahead for disruptions, but this is much easier said than done. For example, it is possible to prepare for the enormous task of moving the law school's library off-site, where it might remain for

15. See Richard J. Wood, *Capital Improvements: A Guide for the Construction of a Modern Law School*, 27 CAP. U. L. REV. 709 (1999); Michael M. Greenfield, *Confessions of a Hard-Hat Junkie: Reflections on the Construction of Anheuser-Busch Hall*, 76 WASH. U. L.Q. 147 (1998); Elliott S. Milstein, *Reflections in Brick and Mortar: Building a Vision, Realizing a Dream*, 45 AM. U. L. REV. 947 (1996).

16. Those familiar with the Florida project will recognize the huge understatement inherent in this sentence.

more than a year.¹⁷ Sometimes it is possible to anticipate extra noise during certain phases of construction. But when “as constructed” blueprints of the original structure are not available, how the air conditioning system was assembled or wired may not be known until a demolition crew takes out a couple of walls—and the system stops working. Preparing the faculty and staff for the unexpected, appealing to their patience and good will, and reminding them of the far superior facilities they will occupy upon the project’s completion are common supplications in the lengthy litany of such projects. Generally speaking, it is better to move the project along quickly and endure greater disruption for a shorter period of time than to plan for moderate disruptions over a longer period of time.¹⁸

Expect the Unexpected

The essence of this point is presented in the prior paragraph. At approximately 8:05 a.m. on July 1, 2003—about five minutes into my deanship at Florida—I learned from Associate Dean Pat Shannon that two highly relevant problems had recently been found in the project: the density of the soil was unexpectedly marginal in the area where two new classroom towers were to be built, and changed building codes now meant that the fireproofing in the ceilings of the Holland Hall library was inadequate and in need of upgrading. Together, these discoveries added about \$1 million in additional costs to the project. Contemplating a shortfall that equated to roughly \$200,000 per minute of the first five minutes of my deanship was not a happy moment, but few significant construction projects are successfully completed without dramatic surprises at several points along the way. We were able through a team effort to resolve the funding issues during the next few months, but many projects are not so fortunate. When major funding concerns arise, maintaining flexibility in the plans is important. Generally speaking, it is more important to build the square footage than to fill it; usually only one opportunity to build the space presents itself, but filling and finishing the space can always be postponed until a later time or a later project.

IV. FINAL THOUGHTS

Most law schools spend tens of thousands of dollars and hundreds of person-hours annually on publications. Each of us puts considerable thought into how our institutions project themselves through our documents. We think carefully about our brands, we analyze the appearance of our web sites in extraordinary detail, and we put much time and effort into the content and appearance of our external

17. At Florida, we were forced to take the drastic step of moving the entire library off-site for fifteen months. Associate Dean Shannon found a vacant supermarket scheduled for demolition in about 24 months. He secured a lease on the warehouse-like facility, less than one mile from the law school campus, which has enabled the library to remain fully functional in a space only 2,000 square feet smaller than the one it vacated. As a bonus, the library’s temporary home had ample parking and convenient access to public transportation.

18. Dean Patrick Shannon likens this to the “Band-Aid on the Arm Rule.” It is better to pull it off quickly and get it over with than to try to pull the bandage off the arm slowly.

communications, all of which we believe tell the story of who we are and what we, as institutions, value.

Like our publications, the spaces in which we teach, work, and study also tell that story. The spaces communicate much about our values and our self-image. The opportunities to design and plan our space come much less frequently, however; therefore, we have all the more reason to think carefully about such projects. While what we construct tells much about ourselves, our choices will also influence many of the values and the choices of those who follow us as occupiers of our institutional space. Architecture matters. We risk diminishing ourselves and our successors if we fail to heed this critical reality.

