

THE JUSTICE SYSTEM IN POLAND – *what is it really like?*

A survey conducted at the request of the National Chamber of the Judiciary in 2009 shows that 72 percent of the Polish people take their knowledge of the way the law works in the country from the television. At the same time, only 30 percent has experienced courtroom situation, mainly as witnesses or plaintiffs, which indicated that this was mostly a one of experience. About one sixth of the surveyed people, were not satisfied with the court ruling. We may thus conclude that general opinion of the judiciary is formed by the media and not by personal experience. Typically, the media avoid conveying mostly positive information, because this does not attract the attention of the public so effectively. If our image of the world was based entirely on the media reports, reality would look as a hellish compilation of accidents, explosions, breakdowns and terrorist attacks, falling buildings, bridges and constant wars. The courts would be staffed with degenerate judges whose only occupation is stealing a sausage or an electric drill. However absurd it sounds, unfortunately, it does not stop some people from believing this to be true.

The Polish justice system is ridden with significant faults, but what is puzzling, these faults do not dominate the media. It is worth looking at them from the perspective of different parties in the courts' proceedings.

A regional court judge's problems are completely different from that of a county court judge or a court of appeal judge. The volume of work for the regional judges for instance, are 1000 or more current cases per year in the report of one judge. This means that in the course of one year,

the judge must be up to date with all of the cases while each of them has one or two volumes of documentation to read, but may also be contained in several tens of volumes of documents. Balanced and just rulings should be seen as a great success of the judges at the immense cost of their time and often health. The judges are supported by assistants, but the assistants often work for more than one judge when they take part in the process of writing reasons for judgements. Registry office clerks and the court secretarial personnel turn over thousands of incoming applications, they describe them, enter them in the computers, set up files and conduct correspondence. This is of course, not all of their tasks.

From the perspective of the parties to the proceedings, this may often be the most important matter in their lives. The greatest issue, is the length of the proceedings, which is the bane of the Polish justice system and condemned by successive rulings of the European Tribunal of Human Rights in Strasburg. Even though Polish justice system in this respect is falls in the average European statistics, it doesn't mean that we should accept it as a norm.

Difficult legal language, incomprehensible to the people outside the legal profession, is also a problem. Often the parties who are present at the ruling and the pronouncement of the reasons for the ruling, do not understand it. What for the judges, the prosecution and the defence is a natural language, for the rest is gibberish. Additionally, a huge problem for the parties, is a sense of lack of information about the case in progress and a lack of reciprocity in providing information by the court. Parties ac-

ting without representation, most frequently don't even know what the court requests of them. People do not understand the contents of court letters. This makes them feel helpless in the face of the evil judicial machine and turns into a loss of faith in just resolution of the case.

Finally, one should look at the courts and the proceedings as an acting stage for legal representatives and defence lawyers – their roles performed by solicitors and councillors. In courts, they represent the interests of their clients, picking out the weak points in the justice system to defend the people whom they represent. High numbers and the frequency of changes in the law, contribute to errors. Sometimes the outcome of the whole process is unfavourable, because the court rejects a letter for the incorrect statement by the legal representative. Annual updates of the rules cause legal chaos, difficult to manage for the professionals and completely incomprehensible for the non-professionals.

These deliberations allow for the conclusion that to amend our legal system by formulating programmes by legal professionals, most often by the judiciary, not to mention politicians, is not enough. It would be necessary to create an apolitical platform for the exchange of views and propositions, something in the kind of a round table with the participation of all legal professions, i.e. judges, officers of the legal system, legal representatives and the citizens on the other side, represented by organisations and associations. Perhaps then we would be able to make a fuller diagnosis of the problems and propose solutions.

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