

*Contract Enforcement and Judicial Systems
in Central and Eastern Europe*
Warsaw, Poland, June 2005.

POLAND

Note: We received several answers for Poland. This represents the consolidation of those responses.

1. What have been your country's (or territories) 2-4 most successful achievements in the area of judicial reform in recent years, and what were the main factors contributing to that success?

A1: Independence of judge is an essential principle and is the right of the citizens of the State (including judges). Polish democracy is founded on the separation of powers.

A2: Amending judicial procedures which led to fast and efficient judicial proceedings.

A3: - a big amendment to the Code of Civil Procedures in order to get the Polish civil proceedings more efficient
- the mediation introduced to the Polish civil proceedings as a really quick way of dispute resolution

The main factor contributing to those reforms was a big need of rationalization in the area of civil proceedings and the access to the EU

A4: The most successful achievements in the area of judicial reform have been:

Creating Computer Judges Training Centers in some courts in major cities. The main factor contributing to that success was stating very clear goals: to make computer training for judges and administrative staff possible, to make their work more effective and to rationalize the court's staff work. Through conducting different computer science courses (such as: computer operating system, using the Internet, applications for lawyers and quick writing) judges and court staff members could practice using new technologies in their work, for example: preparing forms of repetitive court actions, recording the trial and eliminating unnecessary workload.

The National Court Register – introduction of a modern computerized system, which creates a chance to settle a case in very short time. Using computers eliminated overdue cases in register courts and made a considerable acceleration of proceedings. The main factors contributing to that success is connected with National Court Register Act – official registry applications are required, which is a direct consequence of the introduction of the computerized system into office work. The legal procedure is unified and simplified with regard to all entities which are subject to registration. The next step should certainly be to eliminate judges from register courts to give them possibility to focus on commercial disputes.

“Efficient court” - a collection of good practical tips prepared by Polish Judge Association “IUSTITIA”. The team of some judges from different cities prepared short presentations (used as

articles in legal newspapers) about some particular ideas, checked in different courts. For example: establishing of Court Office Service to inform clients about court proceedings (time, room, etc.) or opportunities to organize judicial training in European Law (details on www.iustitia.pl).

A5: Ad 1 it is not easy to declaim the most successful achievements in the area in questioned. There are few of them and it needs time to evaluate them. The biggest problem is with the enormous amount of cases and following it backblocks. To change the situation quite a lot of legal changes mostly in the civil proceedings were introduced mostly to simplify the procedure and make it speedier. The computerization of the courts (not yet everywhere) helps a lot. The judges were given the assistants (but still very few of them). Some changes in the organization of courts work were introduced.

A6: Legislation transforming the Polish judicial system from proceedings that were basically inquisitive in form to an adversarial form. This was accomplished by a series of legislative changes made over a period of several years.

2. What major problems do you currently face with regard to:

- judicial independence
- judicial efficiency
- judicial accountability

A1: Relations of the courts with the public; Simplification and clarity of the language used by the courts in proceedings and decisions.

A2: In our opinion the most important issue is to tackle judicial efficiency in Poland.

A3: - judicial independence
Generally no problems.

- judicial efficiency
Polish proceedings concern court fees and the way of cases management.

- judicial accountability
Regulated in the Civil Code.

A4: - judicial independence – judiciary should form a separate and autonomous branch (that is self-governing and self-administering); eliminate outside control over the judicial budget; eliminate any influence on judges' career, judicial efficiency can't be more important than the quality of their work.

- judicial efficiency – qualified and highly skilled court management, administrative support (court support staff is insufficient), reducing procedural complexity, judicial training of judges.

- judicial accountability – lack of public confidence to judges' performance, accountability before society for judicial decisions and operations.

A5: - judicial independence –no problems with regard to independence. According to the whole system of appointment and promotion judges are independent.

- judicial efficiency – the judiciary is not efficient and it is the greatest problem.

- Judicial accountability – new legal acts came into force in 2004 and 2005 to create judicial accountability. In the individual cases judges are liable for delays especially so far as judicial terms are concerned.

A6: - judicial independence – There is no major problem with judicial independence in Poland.

- judicial efficiency – There is a substantial problem with judicial efficiency, as the courts are inefficient in organizing the allocation of cases among judges and are engaged in non-judicial registry activities.

- judicial accountability

3. What is your top priority in the coming year for improving the judicial system? How do you plan to address this priority?

A1: Justice and the media.

A2: Efficiency of judicial proceeding. The more qualified and reliable staff at the courts, the more efficient judicial proceedings.

A3: An efficient system of case management.

A4: Top priorities are:

- improvement of information systems in courts,
- introducing case management (introducing an electronic system of following cases from the time they are filed to the time judgment),
- improving court administrative capacity,
- developing professional competence of judges through legal and judicial training.

To address this priority I will try to be as active as possible to make it clear for all people, who take decisions, that judicial independence and capacity should be a political priority in my country.

A5: Strengthen the computerization of the courts, training for judges also on the area of management of cases. Increasing the number of judge's assistants. The priority is the

computerization (including proper training for judges and clerks) and trainings in management of cases.

A6: It appears that the top priority is the implementation of more oral proceedings in the court system and better organization of the judicial docket. This may be pursued through the proper education of judges.