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EURO-EXPERT: Poland Data Summary

Livia Holden, Anna Tsalapatanis, Stanislaw Burdziej

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Poland Data Summary

CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Stanislaw Burdziej

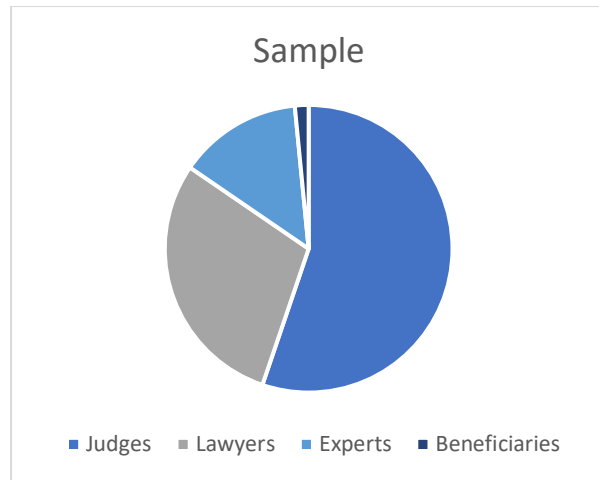
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Qualities of Sample

There were 259 responses to the Poland survey, of which (55%, 143) were judges, (29%, 76) were lawyers, (14%, 36) were experts and (2%, 4) were beneficiaries.

Respondent categories	%	#
Judges	55%	143
Lawyers	29%	76
Experts	14%	36
Beneficiaries	2%	4
Total	100%	259



Country locations

Of the 68%, 177, of respondents who indicated their location, (36%, 63) chose 'Other, (20%, 36) were based on Warsaw followed by Poznań (12%, 21) Kraków (7%, 13), Lublin (5%, 8), Wielkopolski (5%, 8), Szczecin (3%, 5). The remaining locations accounted for (2%, 3).

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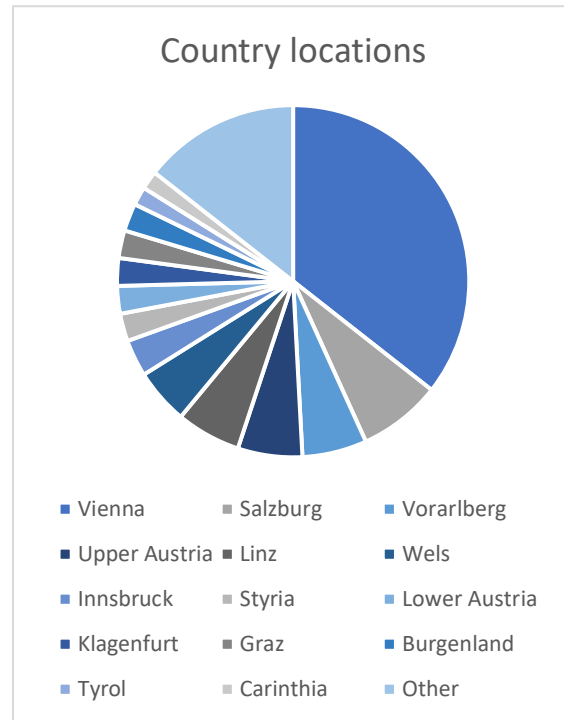
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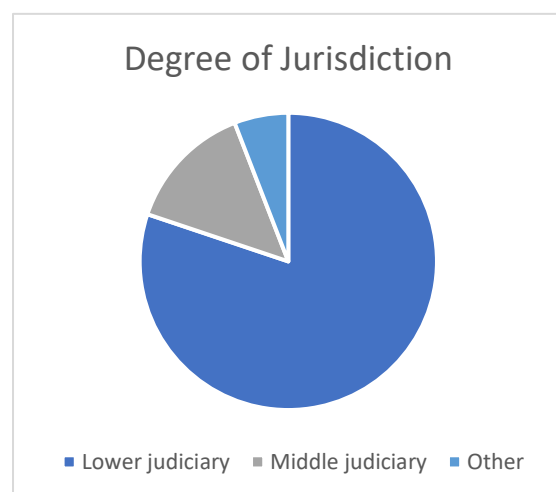
Country locations	%	#
Warsaw	20%	36
Poznań	12%	21
Kraków	7%	13
Lublin	5%	8
Wielkopolski	5%	8
Szczecin	3%	5
Bielsko-Biała	2%	4
Silesia	2%	4
Nowy Sącz	2%	3
Łódź	2%	3
Lower Silesia	2%	3
Rzeszów	2%	3
Toruń	2%	3
Other	36%	63
Total	100%	177



Judges

The most common degree of jurisdiction for Judges was 'Lower judiciary' (80%, 109), followed by 'Middle judiciary' (14%, 19). Eight respondents selected 'Other' (6%).

Degree of Jurisdiction	%	#
Lower judiciary	80%	109
Middle judiciary	14%	19
Other	6%	8
Total	100%	136



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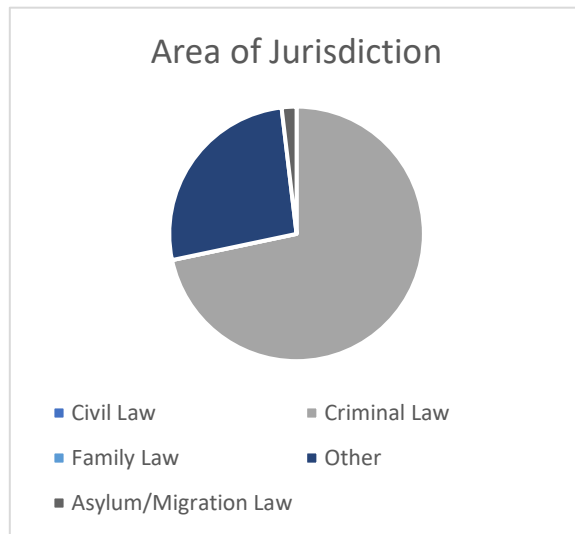
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The most common area of jurisdiction was ‘Civil law’ (48%, 73) followed by ‘Criminal law’ (25%, 38), ‘Family law’ (25%, 23), ‘Other’ (9%, 14), with ‘Asylum/Migration Law accounting’ for (1%, 1).

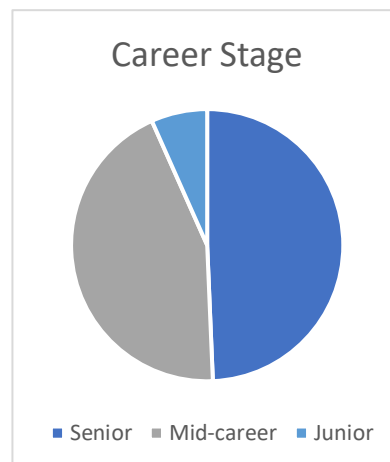
Area of Jurisdiction	%	#
Civil Law	49%	73
Criminal Law	26%	38
Family Law	15%	23
Other	9%	14
Asylum/Migration Law	1%	1
Total	100%	149



Lawyers

Out of the 75 lawyers who responded, (49%, 3) indicated ‘Senior’, followed by ‘Mid-career’ (44%, 33) and junior lawyers (7%, 5).

Career Stage	%	#
Senior	49%	37
Mid-career	44%	33
Junior	7%	5
Total	100%	75



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For the areas of law practiced, ‘Criminal law’ (54%, 64) was the most common, followed by ‘International human rights’ (8%, 10), ‘Administrative law’ (7%, 8), ‘Family Law’ ‘Immigration law’ and ‘Refugee and asylum law’ (6%, 7) each, with all the other areas accounting for 3% or less.

Areas of Law	%	#
Criminal law	53%	64
International human rights	8%	10
Administrative law	7%	8
Family law	6%	7
Immigration law	6%	7
Refugee and asylum law	6%	7
Constitutional law	3%	4
European law	2%	3
Business and commercial law	2%	2
Contracts and obligations	2%	2
International private law	2%	2
Financial law	1%	1
Intellectual property and patent law	1%	1
Labour law	1%	1
Medical and bio law	1%	1
Property law	1%	1
Total	100%	121



Experts

The most common expert type was ‘Expert Witness’ (40%, 14), followed by ‘Other’ (40%, 14) and ‘Translator/interpreter’ (20%, 7).

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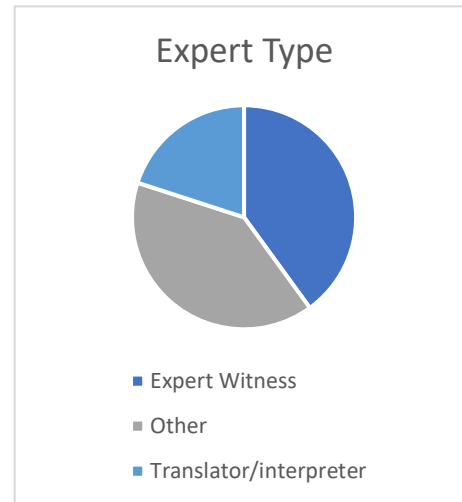
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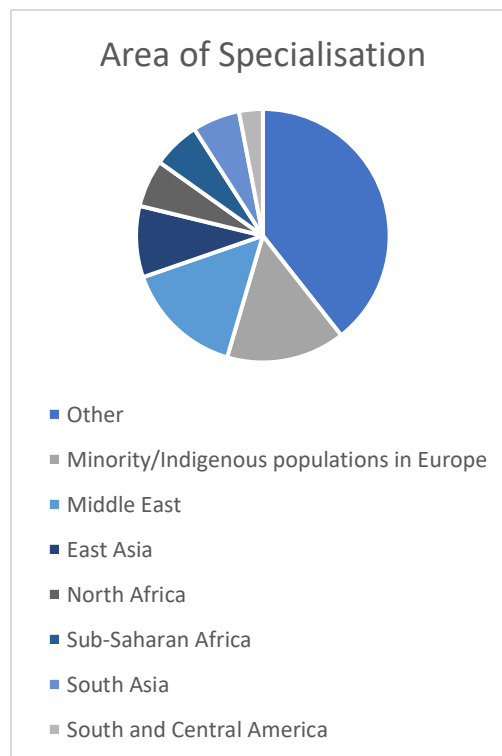
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Expert Type	%	#
Expert Witness	40%	14
Other	40%	14
Translator/interpreter	20%	7
Total	100%	35



The most common response to the question regarding area of specialisation was 'Other' (39%, 13) followed by 'Minority/Indigenous populations in Europe' and 'Middle East' (15%, 5) each, 'North Africa', 'Sub-Saharan Africa' and 'South Asia' (6%, 2) each and 'South and Central America' (3%, 1).

Area of Specialisation	%	#
Other	39%	13
Minority/Indigenous populations in Europe	15%	5
Middle East	15%	5
East Asia	9	3
North Africa	6%	2
Sub-Saharan Africa	6%	2
South Asia	6%	2
South and Central America	3%	1
Total	100%	33



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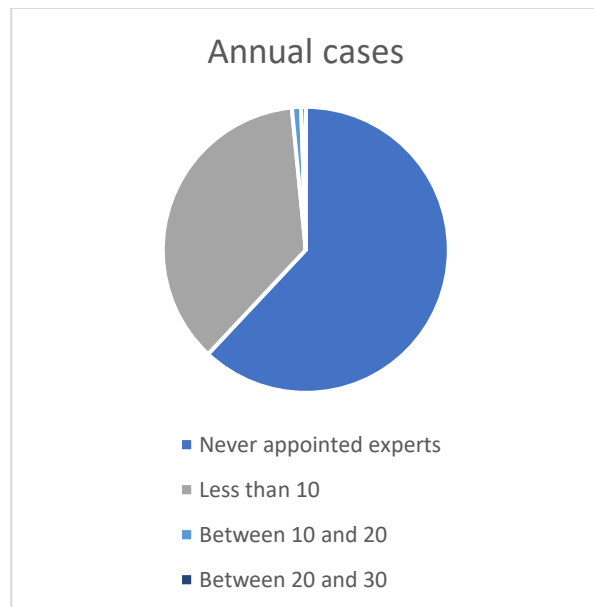
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (62%, 119) chose 'Never appointed experts', followed by 'Less than 10' (36%, 70), 'Between 10 and 20' (1%, 2) and 'Between 20 and 30' (1%, 1).

Annual cases	%	#
Never appointed experts	62%	119
Less than 10	36%	70
Between 10 and 20	1%	2
Between 20 and 30	1%	1
Total	100%	192



(41%, 13) of experts provided written expert report in 'Less than 5 cases', (22%, 7) chose 'Other', (13%, 4) indicated 'Between 20 and 50' (9%, 3) indicated a number of written reports 'Between 10 and 20' and 'Between 50 and 100' and (6%, 2) indicated a number of written reports 'Between 5 and 10'.

(45%, 14) of experts provided a total of less than 5 oral reports, (45%, 14) chose 'Other', and (3%, 1) provided a number of oral reports 'Between 10 and 20', 'Between 20 and 50' and 'Between 50 and 100'.

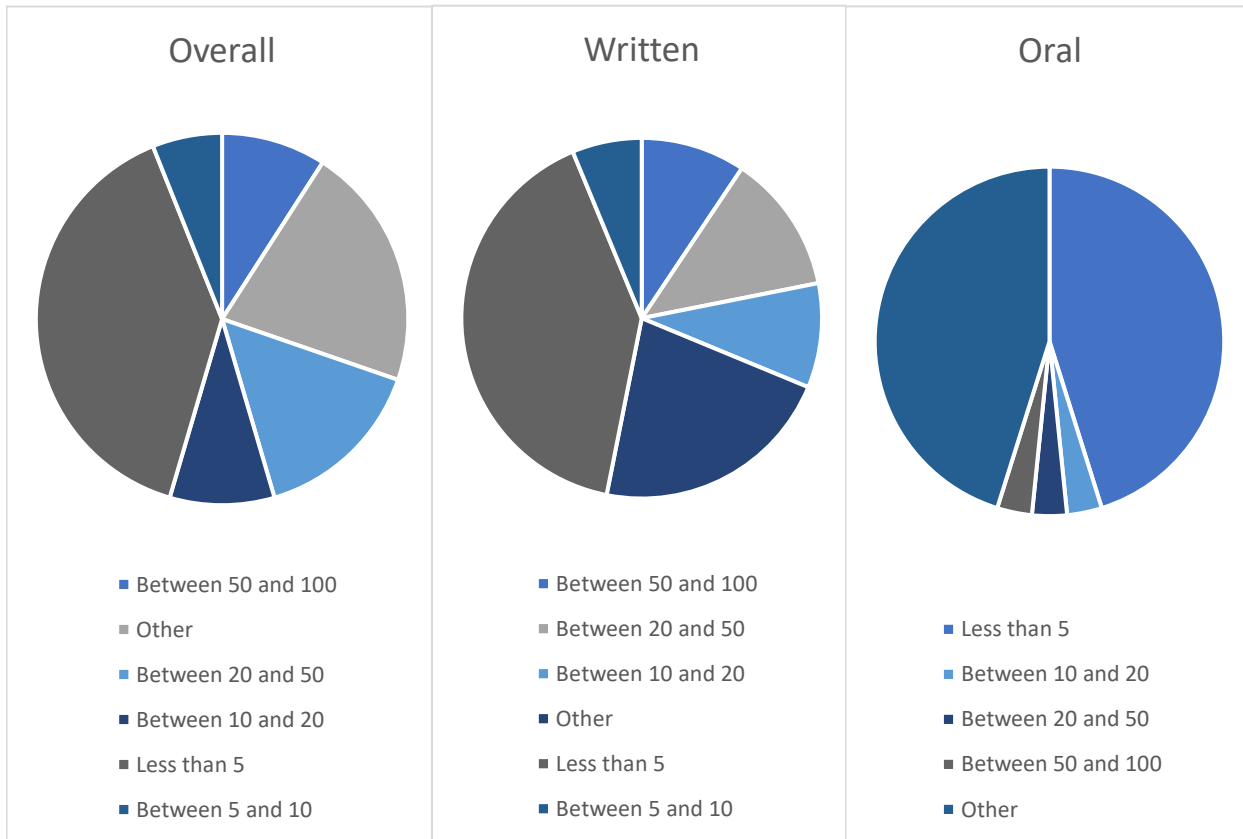
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Fields of law

The most common area of use of cultural expertise was ‘Family law’ (15%, 93), followed by ‘Criminal Law’ (14%, 90), ‘Refugee and asylum law’ (13%, 86), ‘Immigration law’ (12%, 75), ‘International Human Rights Law’ (9%, 57) and ‘Intellectual and patent law’ (4%, 25), with all the remaining areas accounting for 3% or less.

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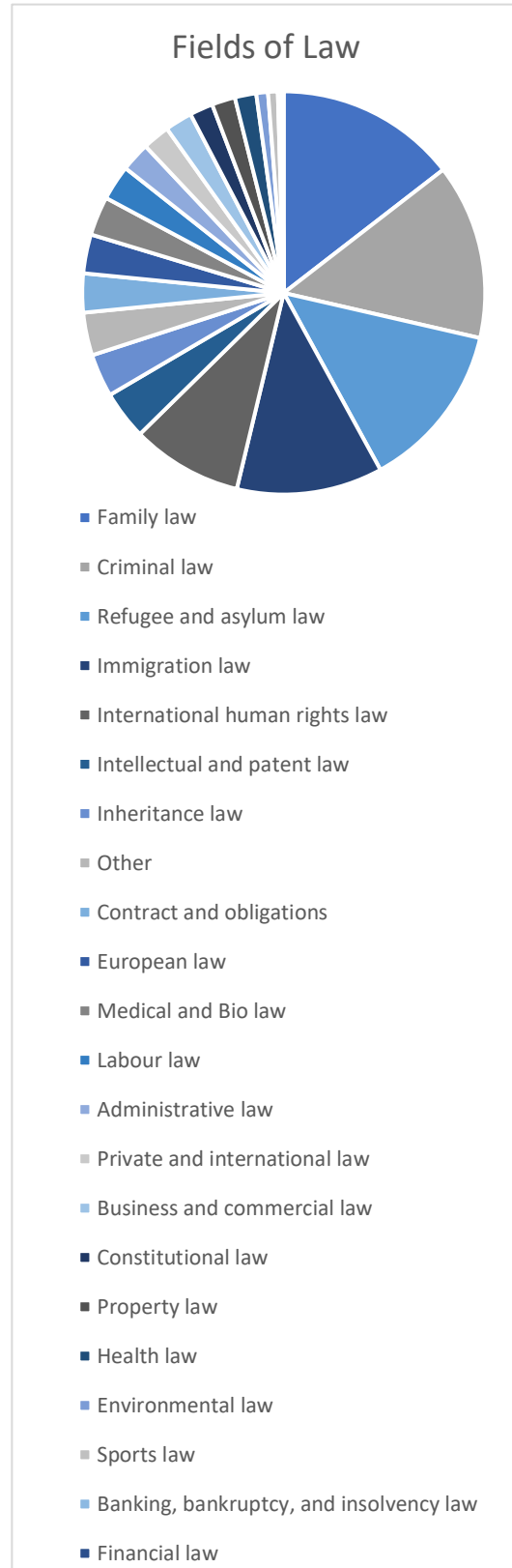
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Fields of Law	%	#
Family law	15%	93
Criminal law	14%	90
Refugee and asylum law	13%	86
Immigration law	12%	75
International human rights law	9%	57
Intellectual and patent law	4%	25
Inheritance law	3%	22
Other	3%	22
Contract and obligations	3%	20
European law	3%	20
Medical and Bio law	3%	20
Labour law	3%	18
Administrative law	2%	15
Private and international law	2%	14
Business and commercial law	2%	14
Constitutional law	2%	12
Property law	2%	12
Health law	2%	11
Environmental law	1%	6
Sports law	1%	5
Banking, bankruptcy, and insolvency law	1%	2
Financial law	0%	1
Total	100%	640



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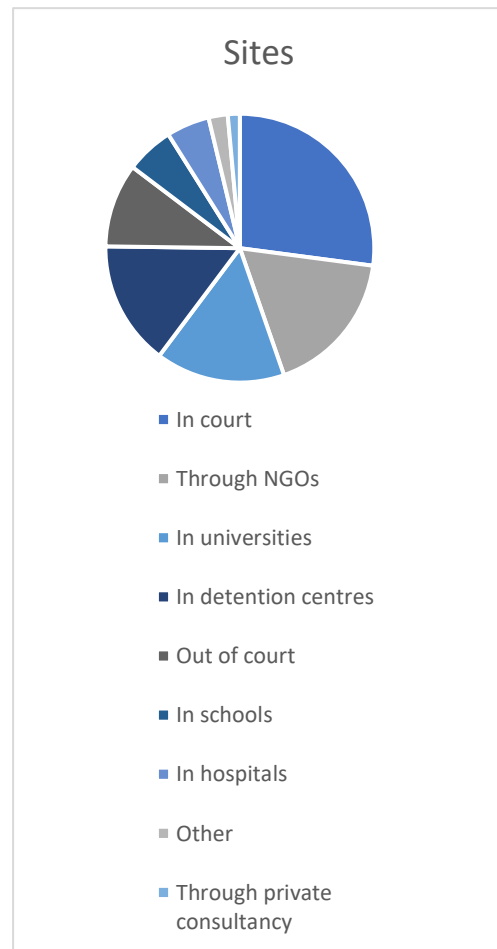
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Sites

The most common site of cultural expertise was ‘In court’ (27%, 94), followed by ‘Through NGOs’ (18%, 61), ‘In universities’ (16%, 54), ‘In detention Centres’ (15%, 52), ‘Out of court’ (10%, 35), ‘In Schools’ (6%, 20), with all remaining categories receiving 5% or less.

Sites	%	#
In court	27%	94
Through NGOs	18%	61
In universities	16%	54
In detention centres	15%	52
Out of court	10%	35
In schools	6%	20
In hospitals	5%	18
Other	2%	8
Through private consultancy	1%	5
Total	100%	347



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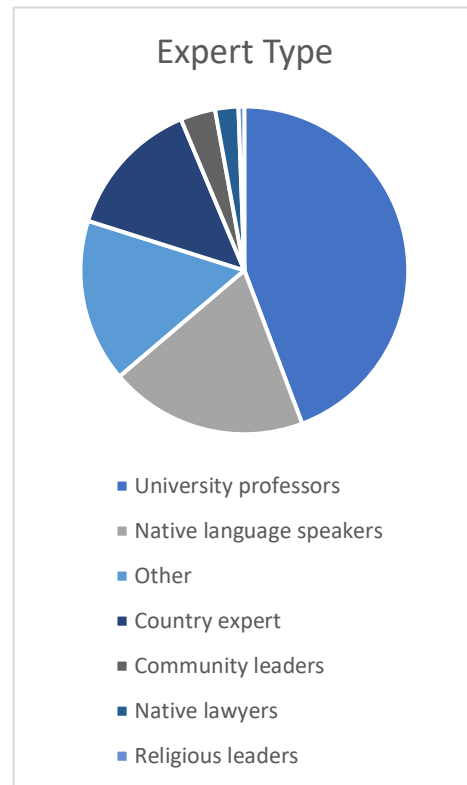
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Typology of Experts

The most common response to the question regarding the expert type was ‘University professor’ (44%, 77), followed by ‘Native language speakers’ (20%, 34) ‘Other’ (16%, 28), ‘Country experts’ (14%, 24), ‘Community leaders’ (3%, 6), Native lawyers (2%, 1) and ‘Religious leaders’ (1%, 1).

Expert Type	%	#
University professors	44%	77
Native language speakers	20%	34
Other	16%	28
Country expert	14%	24
Community leaders	3%	6
Native lawyers	2%	4
Religious leaders	1%	1
Total	100%	174



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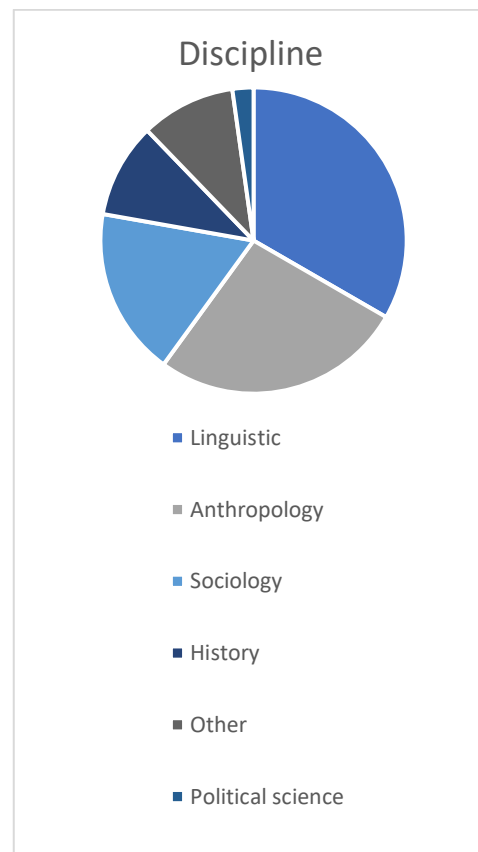
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Discipline

The (44%, 77) who selected 'University professors' were asked to specify the disciplines of those professors. The most common response was 'Linguistic' (33%, 30), followed by 'Anthropology' (27%, 24), 'Sociology' (18%, 16), 'History' and 'Other' (10%, 9) each and 'Political Science' (2%, 2).

Discipline	%	#
Linguistic	33%	30
Anthropology	27%	24
Sociology	18%	16
History	10%	9
Other	10%	9
Political science	2%	2
Total	100%	90



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Modalities

Appointment of Experts

The most common factor influencing the decision to appoint was ‘Client request’ (23%, 94), followed by ‘Experts facilitate successful legal outcomes’ (16%, 61), ‘The law allows’ (15%, 60), ‘Time’ (9%, 38), ‘Expertise can also be used for an out of court settlement’ (9%, 37), ‘The reputation of the expert’ (8%, 34), ‘Other’ (4%, 17), ‘The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert’ (4%, 16), ‘The court advise the appointment of the expert’ (3%, 12) and ‘The court is keen to hear cultural arguments’ (2%, 8).

How experts are selected	%	#
Client request	23%	94
Experts facilitate successful legal outcomes	16%	61
The law allows	15%	60
Time	9%	38
Expertise can also be used for an out of court settlement	9%	37
The reputation of the expert	8%	34
Cost	7%	27
Other	4%	17
The court/ prosecutor/ Office for Foreigners have already appointed their expert	4%	16
The court advise the appointment of the expert	3%	12
The court is keen to hear cultural arguments	2%	8
Total	100%	404



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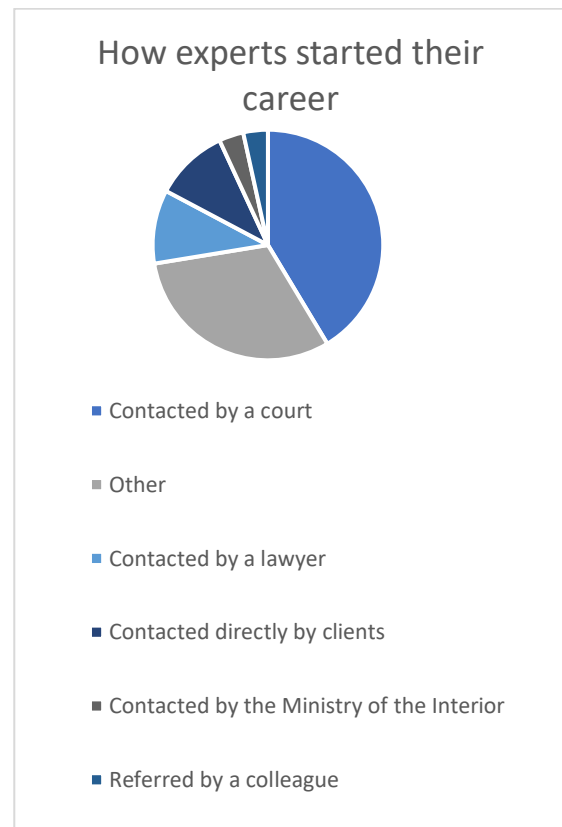
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Most experts started giving opinions after being ‘Contacted by a court’ (41%, 12), followed by ‘Other’ (31%, 9), ‘Contacted by a lawyer’ and ‘Contacted directly by clients’ (10%, 3) both, with all the remaining options being selected by a single respondent, 3%.

How experts started their career	%	#
Contacted by a court	41%	12
Other	31%	9
Contacted by a lawyer	10%	3
Contacted directly by clients	10%	3
Contacted by the Office for Foreigners	3%	1
Referred by a colleague	3%	1
Total	100%	29



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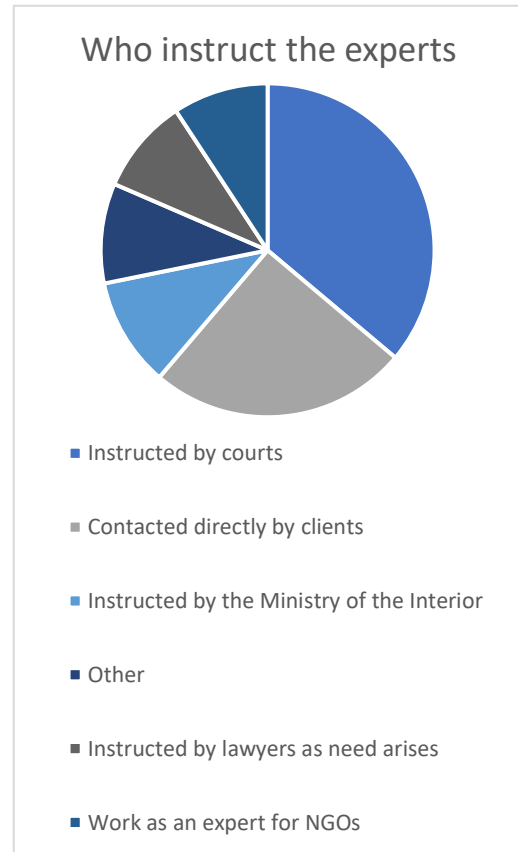
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Experts were most frequently ‘Instructed by courts’ (28%, 20), followed by ‘Contacted directly by clients’ (22%, 16), ‘Instructed by lawyers as need arises’ (17%, 12), Other (12%, 9), ‘Instructed by the Ministry of the Interior’ and (10%, 7) choose ‘Work as an expert for NGOs’.

Who instructs the experts	%	#
Instructed by courts	36%	82
Contacted directly by clients	25%	57
Instructed by the Ministry of the Interior	11%	24
Other	10%	22
Instructed by lawyers as need arises	9%	21
Work as an expert for NGOs	9%	21
Total	100%	227



Cost of Cultural Expertise

Cultural expertise is most commonly financed by ‘Courts’ (36%, 82), followed by ‘Clients’ (25%, 57), ‘Ministry of the Interior’ (11%, 24), ‘Other’ (10%, 22) and ‘Legal aid’ and ‘Philanthropists/ NGOs/ Relatives/ Community’ (9%, 21) each.

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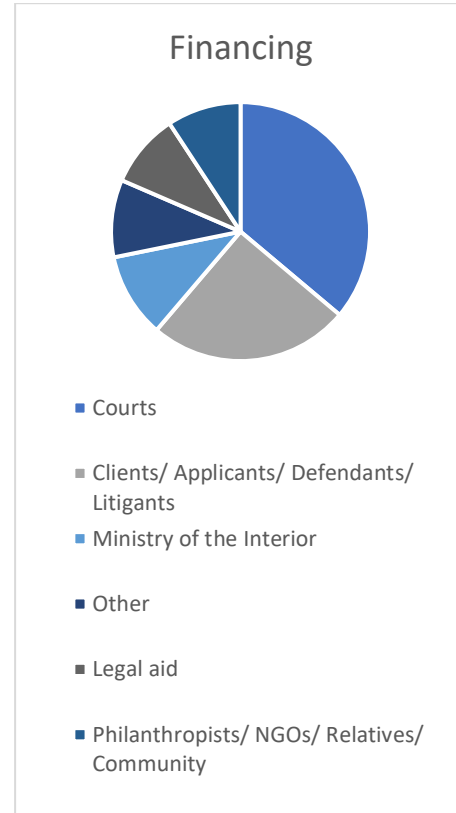
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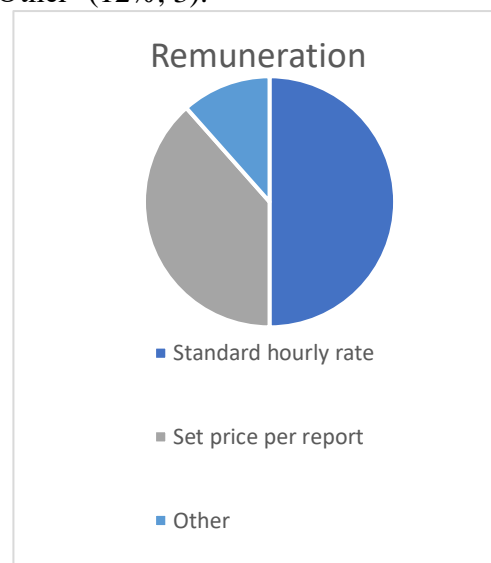
How are experts paid?	%	#
Courts	36%	82
Clients	25%	57
Ministry of the Interior	11%	24
Other	10%	22
Legal aid	9%	21
Philanthropists/ NGOs/ Relatives/ Community	9%	21
Total	100%	227



Remuneration of cultural expertise

Half of responses indicated that experts were paid at a 'Standard hourly rate' (50%, 13), followed by 'Set price per report' (38%, 10), and 'Other' (12%, 3).

Remuneration of experts	%	#
Standard hourly rate	50%	13
Set price per report	38%	10
Other	12%	3
Total	100%	26



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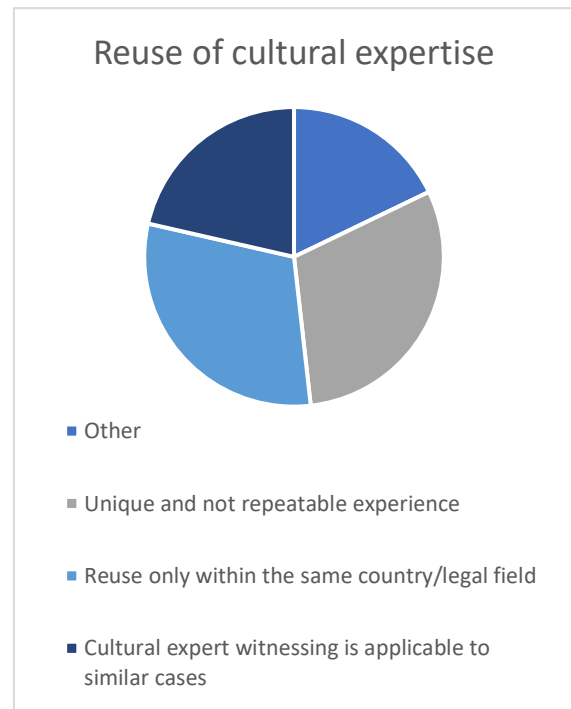
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Reuse of cultural expertise

The most frequent response to the question of the reuse of cultural expertise was 'Unique and not repeatable experience' (40%, 58) followed by 'Cultural expert witnessing is applicable to similar cases' (30%, 17), 'Other' (17%, 24) and 'Reuse only within the same country/legal field' (18%, 10).

Reuse of cultural expertise	%	#
Unique and not repeatable experience	40%	58
Cultural expert witnessing is applicable to similar cases	29%	42
Other	17%	24
Reuse only within the same country/legal field	14%	21
Total	100%	145



Impact

Components of Impact

The most common components of impact include 'Reliable sources of contents' (17%, 157), 'Stringent conclusions' (13%, 124), 'First-hand experience' (13%, 122), 'Reputation of the experts' (11%, 110), 'Style' (11%, 105), 'Use of statistics' (10%, 99), 'Remuneration of experts' (8%, 81), 'Advocacy' and 'Quantitative assessment of risk' (8%, 80) each and 'Other' (15, 5).

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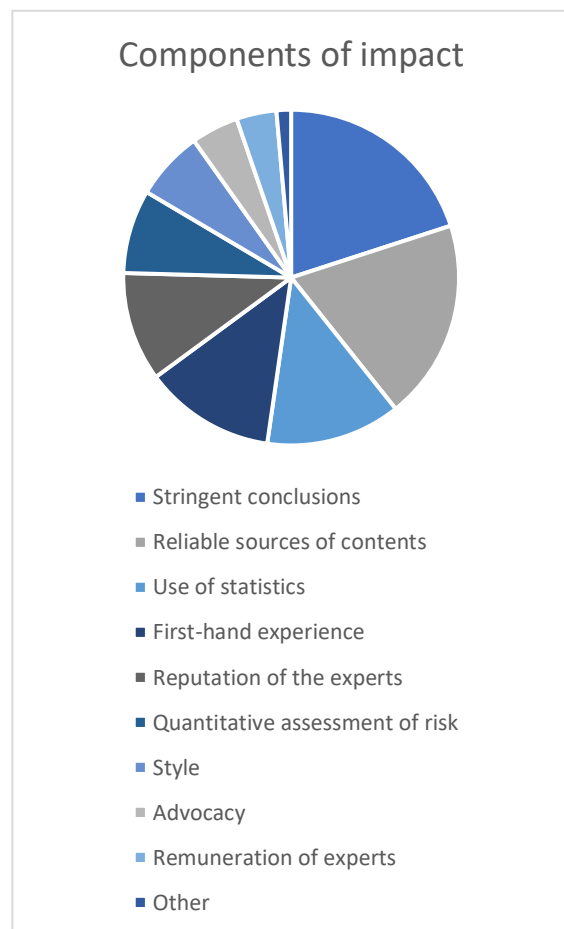
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Components of impact	%	#
Reliable sources of contents	17%	157
Stringent conclusions	13%	124
First-hand experience	13%	122
Reputation of the experts	11%	110
Style	11%	105
Use of statistics	10%	99
Remuneration of experts	8%	81
Advocacy	8%	80
Quantitative assessment of risk	8%	80
Other	1%	5
Total	100%	963



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'Moderately useful' (32%, 55), followed by 'Slightly useful' (31%, 53) then 'Very useful' (23%, 39), 'Not useful at all' (10%, 17) and finally 'Extremely useful' (5%, 8).

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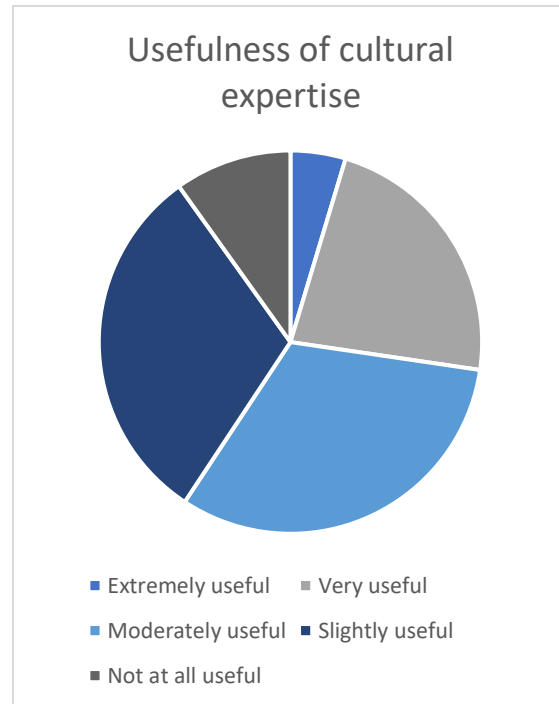
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Usefulness of cultural expertise	%	#
Extremely useful	5%	8
Very useful	23%	39
Moderately useful	32%	55
Slightly useful	31%	53
Not at all useful	10%	17
Total	100%	172



Usefulness: fields

Cultural expertise is most useful in 'Migration law' (39%, 66) followed by 'More useful in civil law rather than criminal law' (29%, 49), 'More useful in criminal law than civil law' (19%, 32) and 'Other' (13%, 21).

Areas of law where cultural expertise is more useful	%	#
Migration law	39%	66
More in civil law than in criminal law	29%	49
More in criminal law than in civil law	19%	32
Other	13%	21
Total	100%	168



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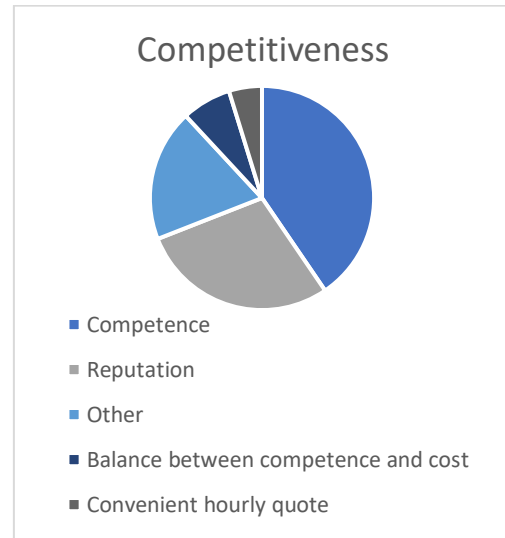
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Competitiveness

Experts thought that their expertise was competitive because of their ‘Competence’ (40%, 17), ‘Reputation’ (29%, 12), ‘Other’ (19%, 8), ‘Balance between competence and cost’ (7%, 3) and ‘Convenient hourly quote’ (5%, 2).

Competitiveness	%	#
Competence	40%	17
Reputation	29%	12
Other	19%	8
Balance between competence and cost	7%	3
Convenient hourly quote	5%	2
Total	100%	42



Reputation of Experts

The majority of experts said that they had been ‘Regularly instructed/ appointed as expert for many years’ (58%, 11), followed by ‘Other’ (32%, 6), and then ‘The cases in which expert opinion was provided were successful’ (11%, 2).

Reputation of experts	%	#
Regularly instructed/appointed as an expert for many years	36%	10
Other	7%	16
Expert opinions have been successful	57%	2
Total	100%	28



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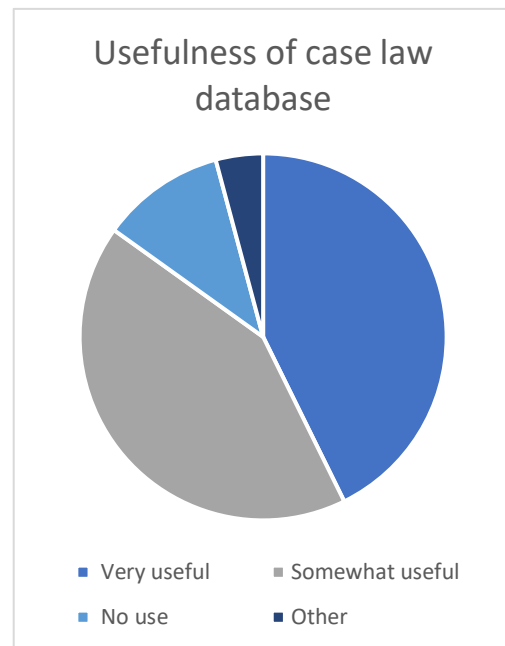
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Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Very useful' (43%, 82), followed by 'Somewhat useful' (42%, 81), of 'No use' (11%, 21) and (4%, 8) choose 'Other'.

Usefulness of case law database	%	#
Very useful	43%	82
Somewhat useful	42%	81
No use	11%	21
Other	4%	8
Total	100%	192



Contribution to law database

Most respondents did wish to contribute to the establishment of a case law database (53%, 53), while close to one third of respondents did not (37%, 37).

Poland Data Summary

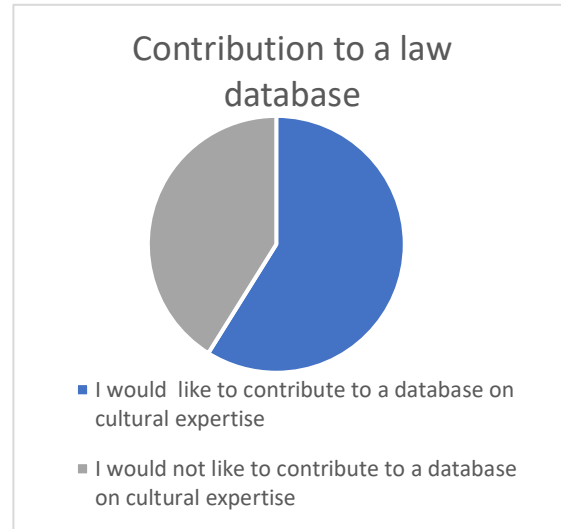
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Stanislaw Burdziej

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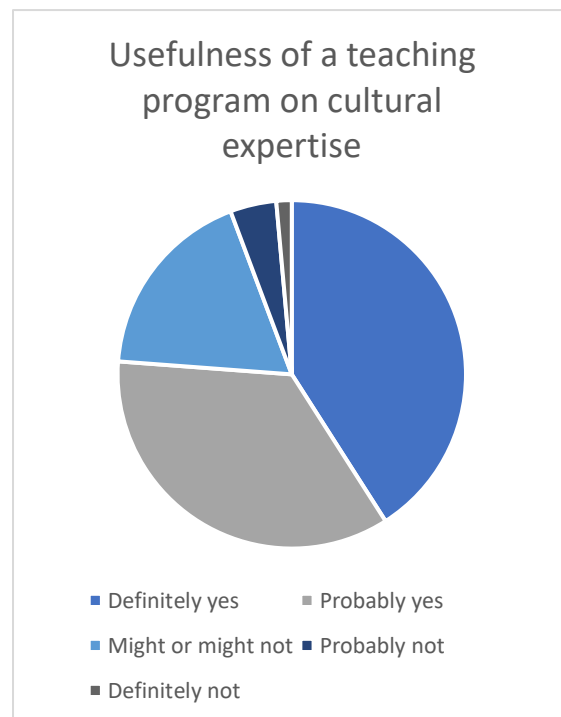
Contribution to a law database	%	#
I would not like to contribute to a database on cultural expertise	41%	37
I would like to contribute to a database on cultural expertise	59%	53
Total	100%	100



Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was 'Definitely yes' (41%, 86), followed by 'Probably yes' (35%, 74), 'Might or might not' (18%, 38), 'Probably not' (4%, 9) and 'Definitely not' (2%, 3).

Usefulness of a teaching program on cultural expertise	%	#
Definitely yes	41%	86
Probably yes	35%	74
Might or might not	18%	38
Probably not	4%	9
Definitely not	2%	3
Total	100%	210



Poland Data Summary

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Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was ‘Other’ (59%, 30), followed by ‘Know educational organisations which may be interested’ (22%, 9), then ‘Know professional organisations that may be interested’ (18%, 9) and finally one respondent who would be ‘Interested in teaching cultural expertise themselves’ (2%).

Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	20%	16
Know professional organisations interested in teaching	4%	3
Interested in teaching themselves	15%	12
Other	61%	48
Total	100%	79

