



HAL
open science

EURO-EXPERT: Poland Data Summary

Livia Holden, Anna Tsalapatani, Stanislaw Burdziej

► **To cite this version:**

Livia Holden, Anna Tsalapatani, Stanislaw Burdziej. EURO-EXPERT: Poland Data Summary. EURO-EXPERT. 2022. hal-03853357

HAL Id: hal-03853357

<https://hal.science/hal-03853357v1>

Submitted on 15 Nov 2022

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Poland Data Summary

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

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

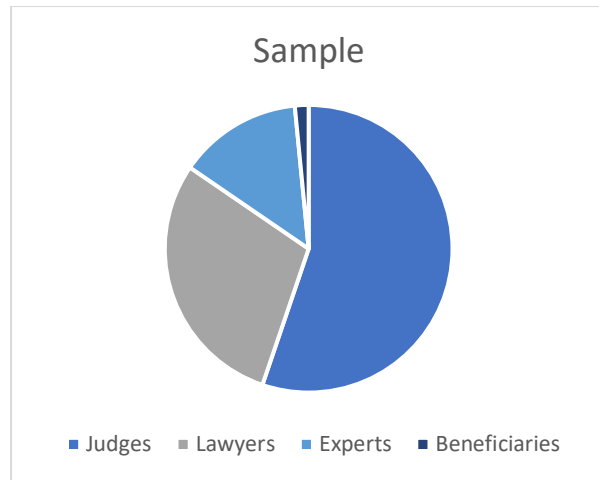
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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).

Poland Data Summary

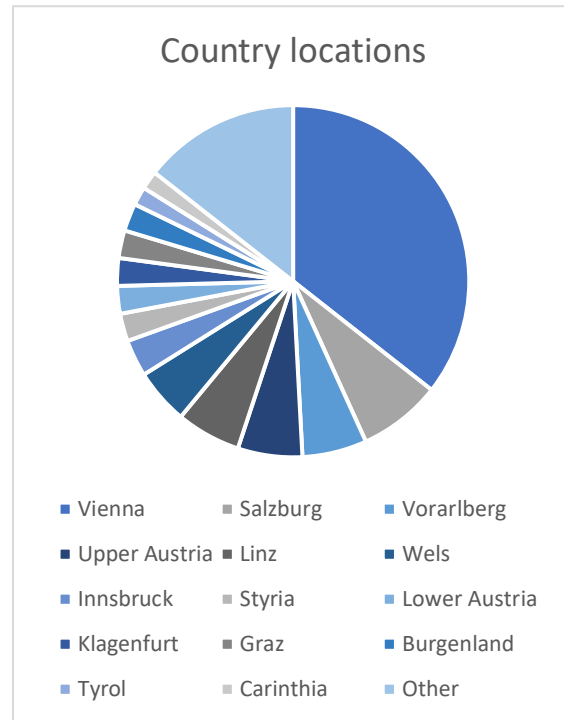
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

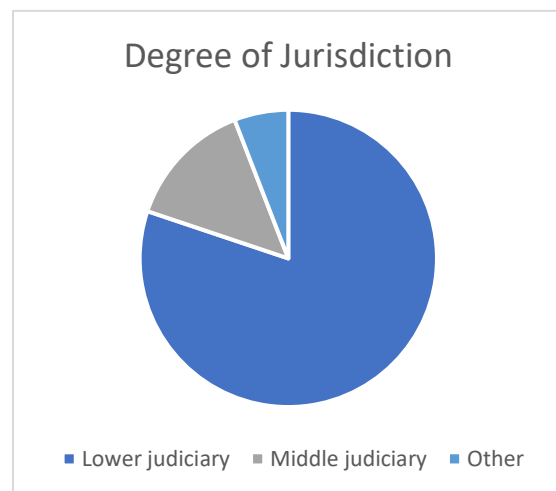
Country locations	%	#
Warsaw	20%	36
Poznań	12%	21
Kraków	7%	13
Lublin	5%	8
Wielkopolski	5%	8
Szczecin	3%	5
Bielsko-Biała	2%	4
Silesia	2%	4
Nowy Sącz	2%	3
Łódź	2%	3
Lower Silesia	2%	3
Rzeszów	2%	3
Toruń	2%	3
Other	36%	63
Total	100%	177



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



Poland Data Summary

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

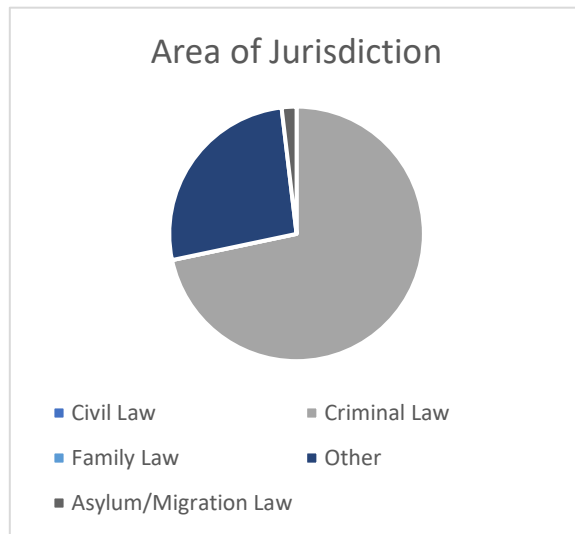
PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Stanislaw Burdziej

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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).

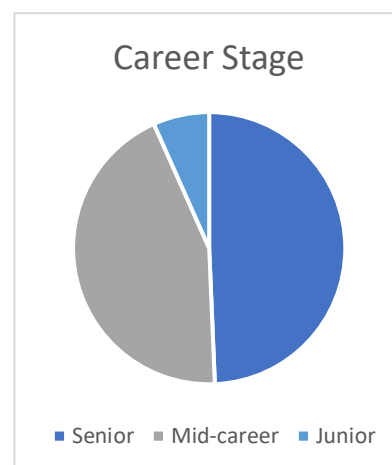
Area of Jurisdiction	%	#
Civil Law	49%	73
Criminal Law	26%	38
Family Law	15%	23
Other	9%	14
Asylum/Migration Law	1%	1
Total	100%	149



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



Poland Data Summary

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

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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).

Poland Data Summary

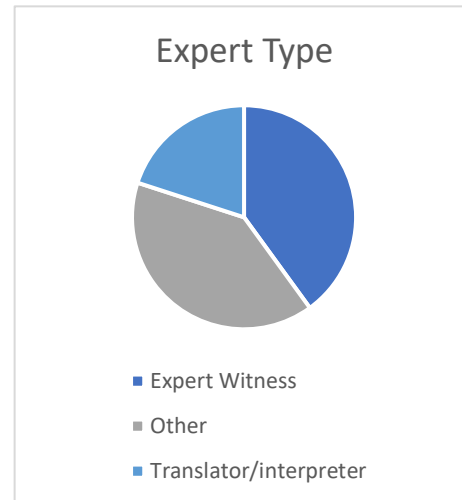
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

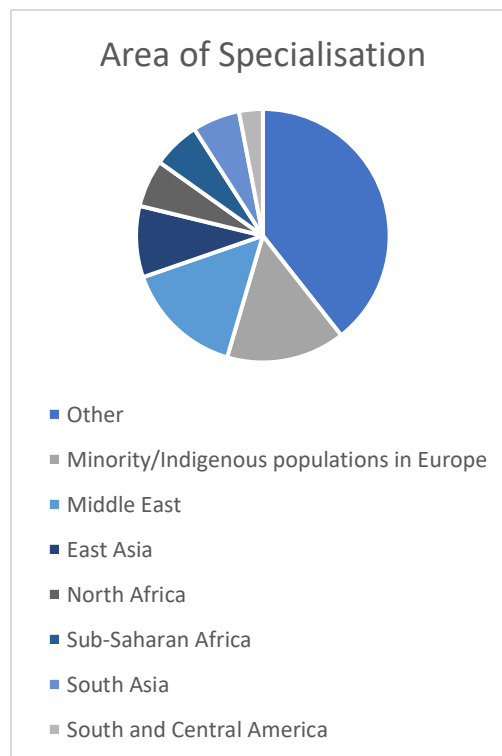
Date of Revision: 01/02/2022

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



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

Date of First Publication: 20/07/2019

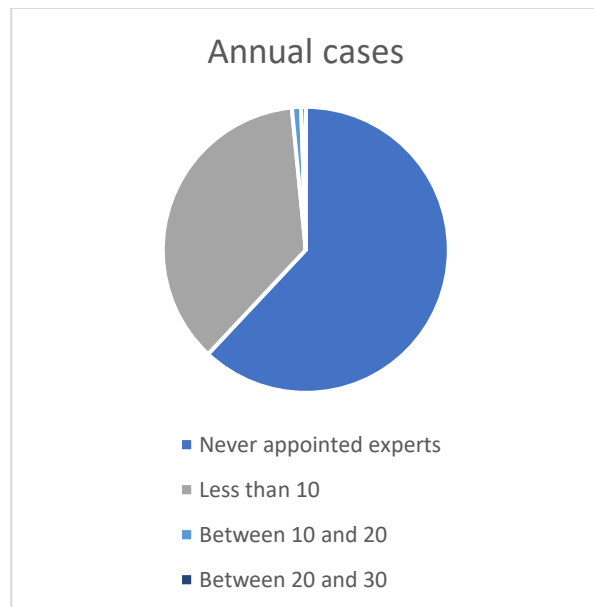
Date of Revision: 01/02/2022

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'.

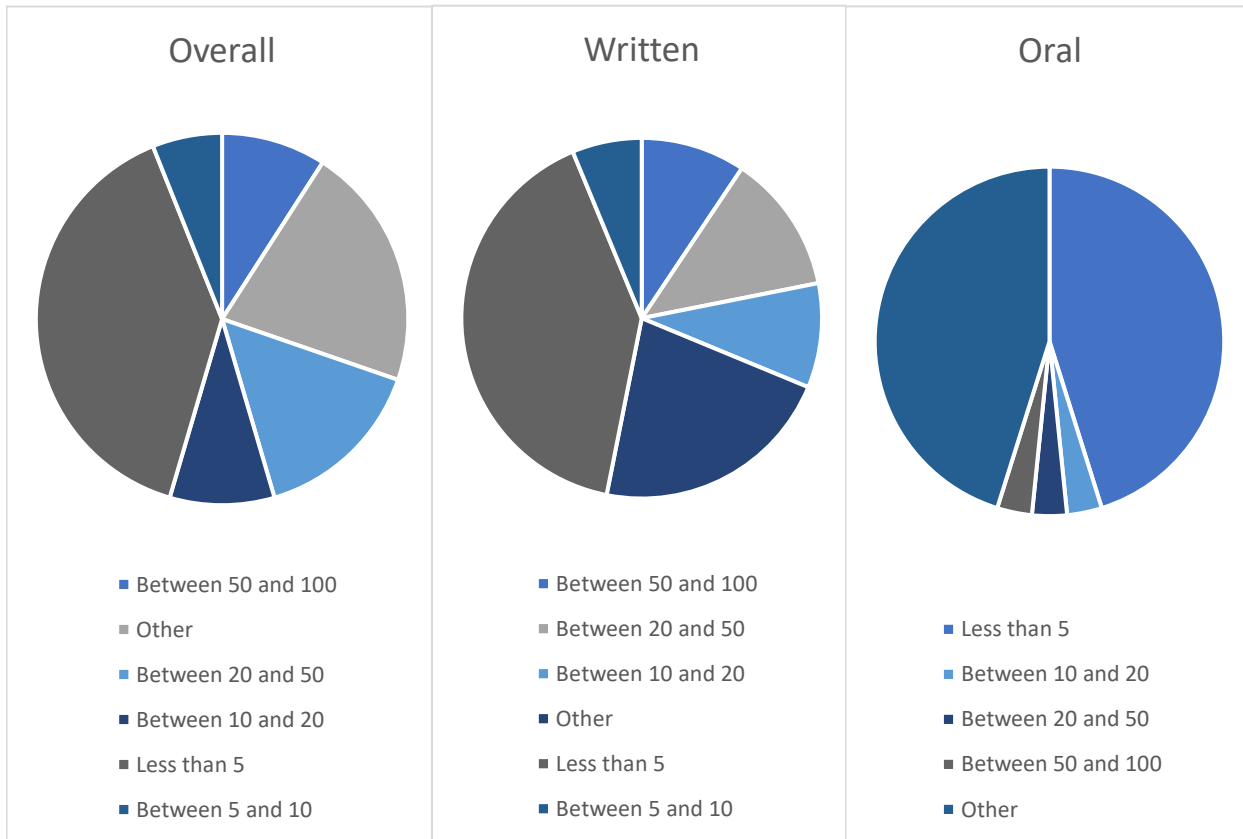
Poland Data Summary

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

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022



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.

Poland Data Summary

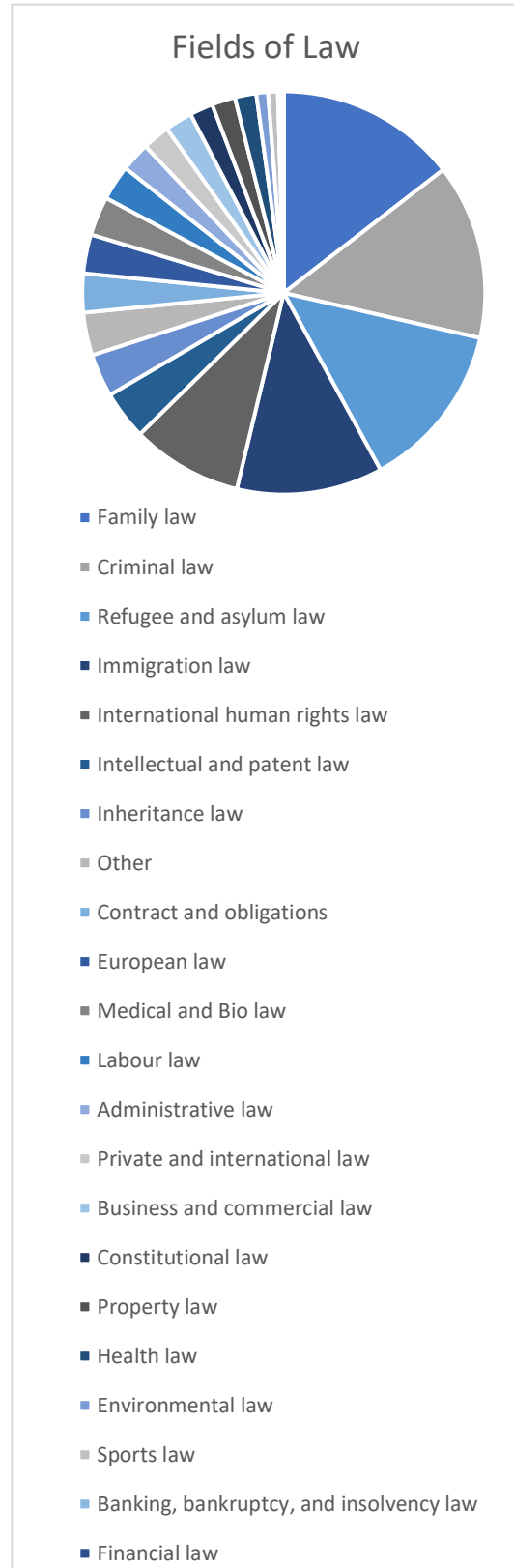
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



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

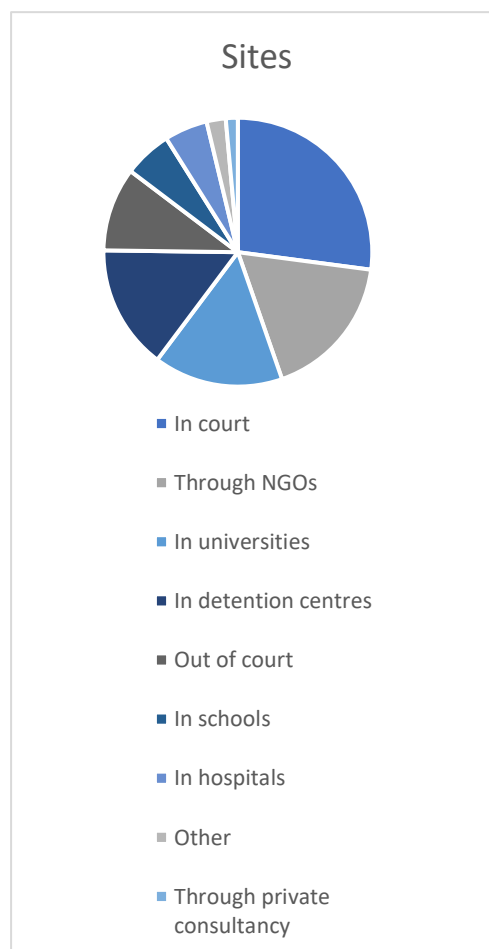
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



Poland Data Summary

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

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

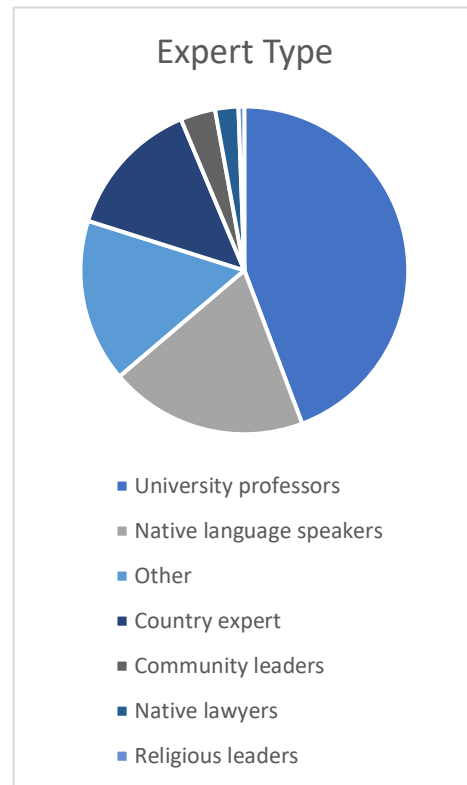
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



Poland Data Summary

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

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

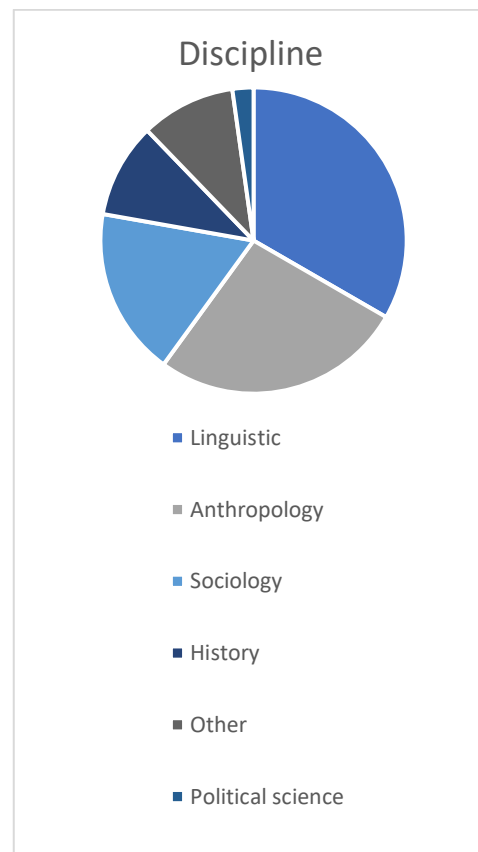
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



Poland Data Summary

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

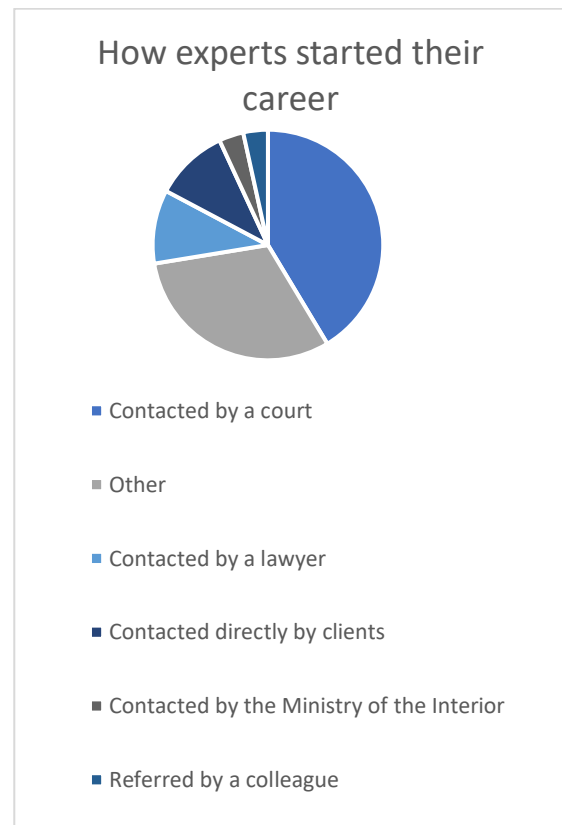
PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Stanislaw Burdziej

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



Poland Data Summary

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

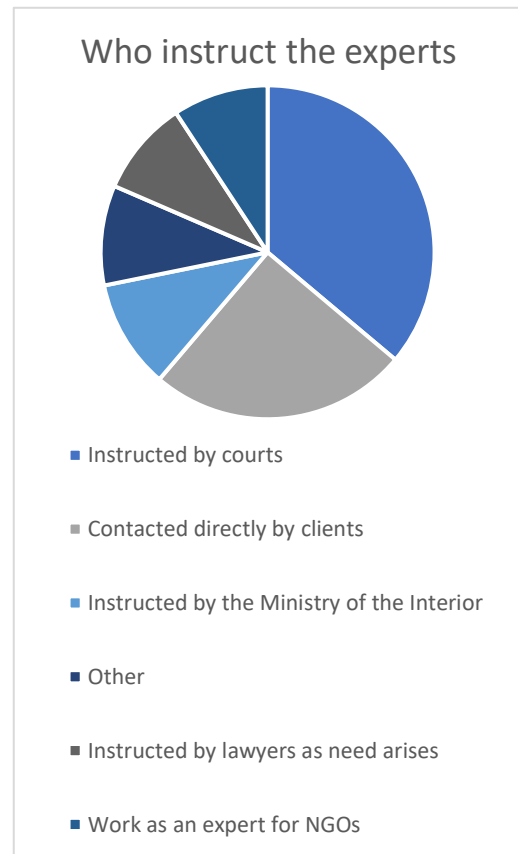
PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Stanislaw Burdziej

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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.

Poland Data Summary

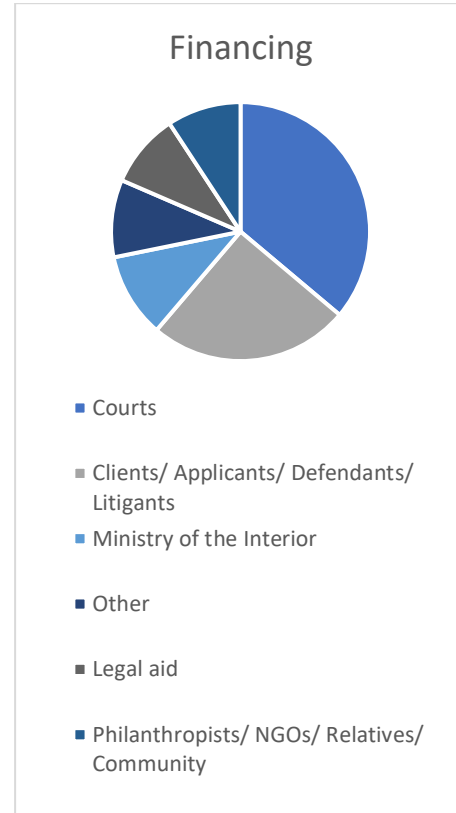
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

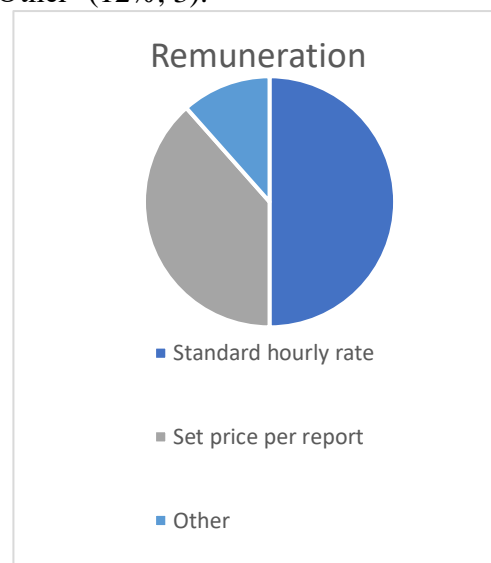
How are experts paid?	%	#
Courts	36%	82
Clients	25%	57
Ministry of the Interior	11%	24
Other	10%	22
Legal aid	9%	21
Philanthropists/ NGOs/ Relatives/ Community	9%	21
Total	100%	227



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



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

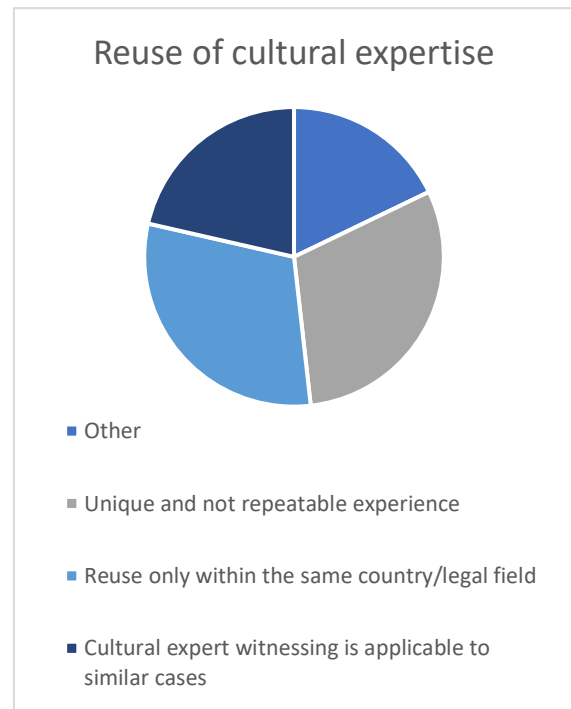
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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).

Poland Data Summary

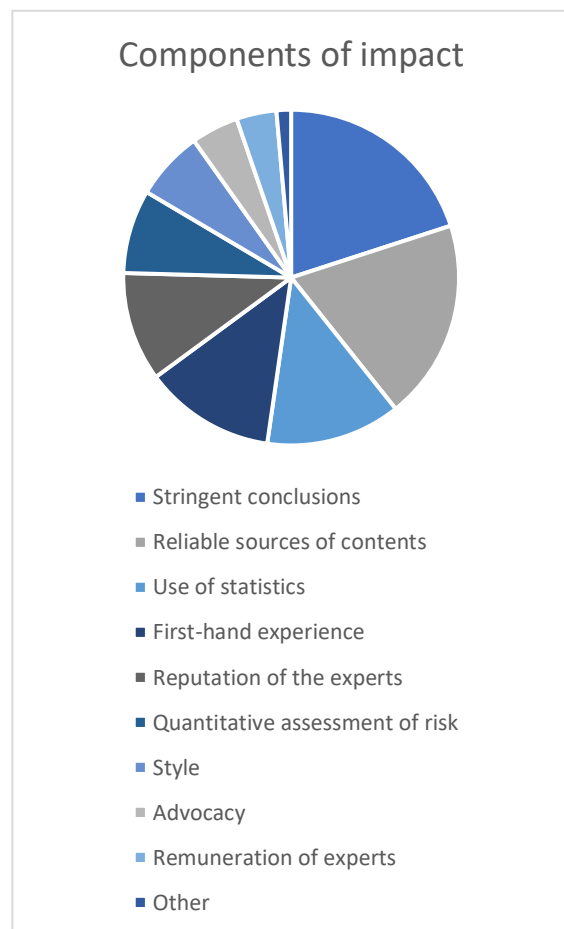
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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).

Poland Data Summary

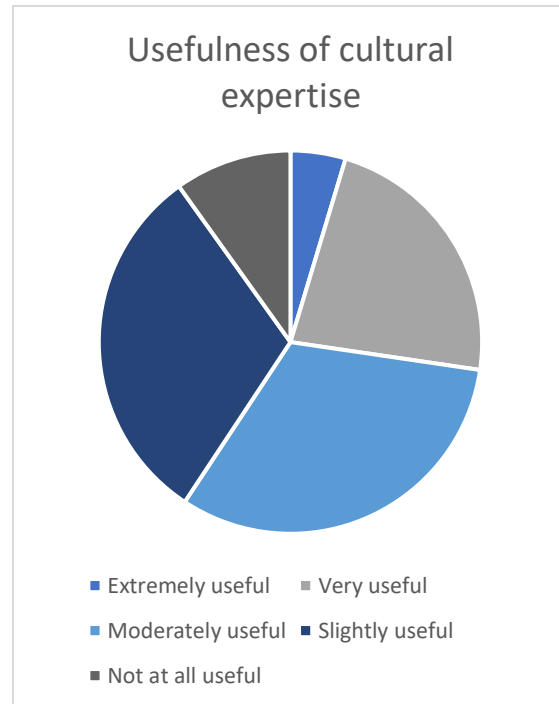
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



Poland Data Summary

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

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

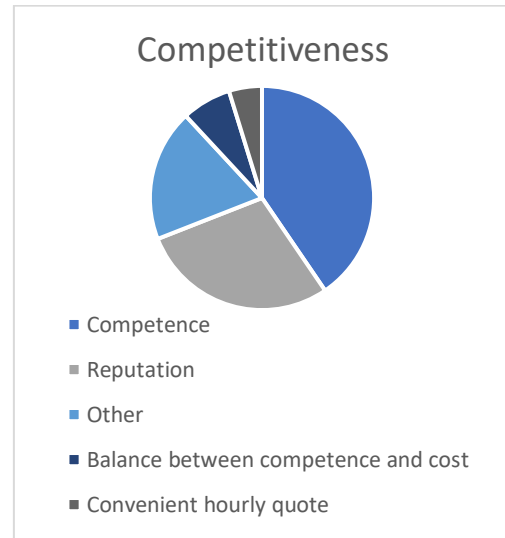
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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



Poland Data Summary

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

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

Date of First Publication: 20/07/2019

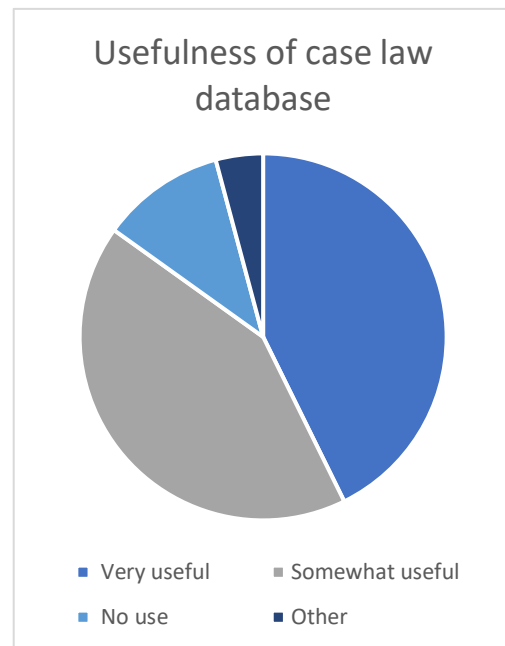
Date of Revision: 01/02/2022

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

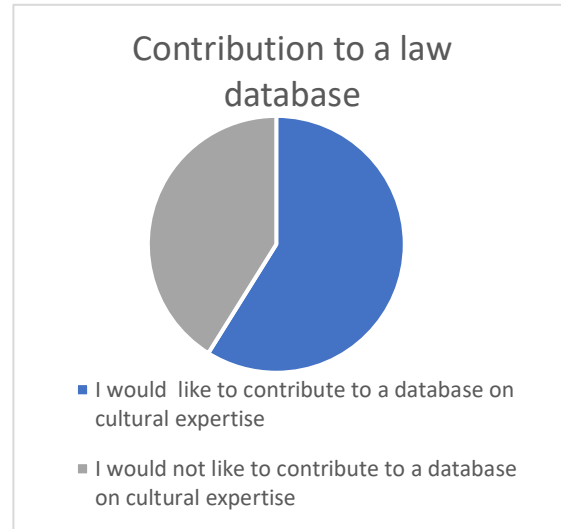
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

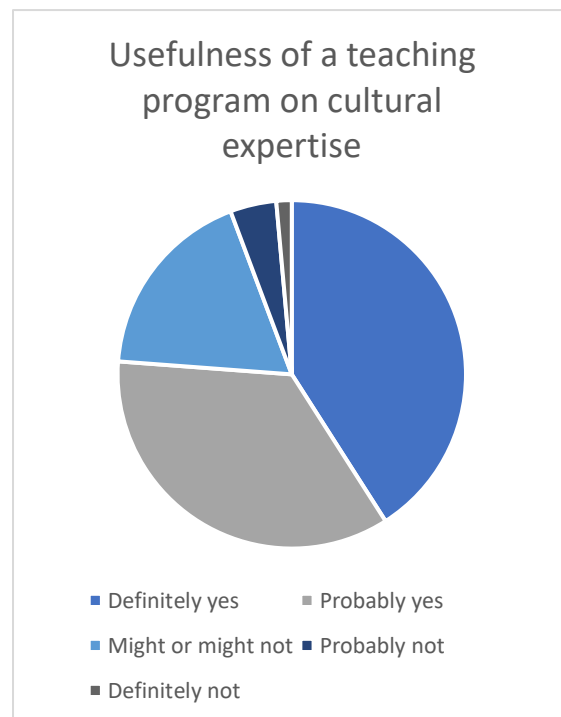
Contribution to a law database	%	#
I would not like to contribute to a database on cultural expertise	41%	37
I would like to contribute to a database on cultural expertise	59%	53
Total	100%	100



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

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

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

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

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

