

Practicalities in Poland
Good practices

**THE POLISH NATIONAL SCHOOL OF
JUDICIARY AND PUBLIC
PROSECUTION
IN CRACOW**



BERLIN 2017 APRIL 11-12
MAREK SZYMANOWSKI

• Good practices introduction

CLASSES at the National School

- The classes at the School (*one week every month*) are held according to the curricula (*20% time of the general or specialisation training*), by many lecturers.
- Every group has several lecturers during the week who have classes of varied types... from A to H
- 15-trainees group has its own lecturer, but there is one coordinator responsible for, that all groups receive the same knowledge and materials.
- During the training are applied by the lecturers different methods.
- Classes are conducted with the use of a modern training base, and trainees have free access to teaching materials and legal computer programs, websites , e-mail communications etc.

Kinds of classes during the general initial training and specialisation training

- A (case method)
- B (workshop)
- C (supplementary classes)
- D (moot court)
- E (seminary)
- F (compendium)
- G (solving cases)
- H (exam's feedback)

Classes in the School
Of Judiciary and Public
Prosecution

TRAINING CYCLE

**apprenticeship in court,
public prosecutor's office**

A month later - again in
the School (*usually on
Monday before the new
training session*)

1 week (5 days)
training session in given
subject for instance in:
real property law
(*type of classes :
A,B,C,D,E,F,H*)

3-4 weeks !!!

**apprenticeship synchronised
with the theoretical subject (*so
when the subject is : real
property law - the practice
should be in civil division of the
court*)**

*new week in the School
Monday...*

**1. Written Exam -
real property law ..**

1. Exam's feedback (*H
classes about the exam
that was 1-month before*)
2. Beginning **new cycle –
new subject** .

One day in the School: timetable

General initial training

Tuesday , the 20-th December 2016

Subject: ECHR and CJEU

Classes: TYPE **A** (*case method*)

10 groups : from A1 to A10

10 lecturers: from **A1** to **A10**

The letter - **A** - determines : the type of classes and the lecturer which conducts the classes (type A)

	8:30-10:00			15 min	10:15-11:45		1 h	12:45-14:15		10 min	14:25-16:10	
group	classroom	SUBJECT And type classes	LECTURER		SUBJECT and type classes	LECTURER		SUBJECT and type classes	LECTURER		SUBJECT and type classes	LECTURER
A1	6	ECHR (A)	A1	P A U S E	ECHR (A)	A1	P A U S E	ECHR (A)	A1	P A U S E	ECHR (A)	A1
A2	7	ECHR (A)	A2		ECHR (A)	A2		ECHR (A)	A2		ECHR (A)	A2
A3	102	ECHR (A)	A3		ECHR (A)	A3		ECHR (A)	A3		ECHR (A)	A3
A4	104	ECHR (A)	A4		ECHR (A)	A4		ECHR (A)	A4		ECHR (A)	A4
A5	105	ECHR (A)	A5		ECHR (A)	A5		ECHR (A)	A5		ECHR (A)	A5
A6	201	CJEU (A)	A6		CJEU (A)	A6		CJEU (A)	A6		CJEU (A)	A6
A7	203	CJEU (A)	A7		CJEU (A)	A7		CJEU (A)	A7		CJEU (A)	A7
A8	204	CJEU (A)	A8		CJEU (A)	A8		CJEU (A)	A8		CJEU (A)	A8
A9	211	CJEU (A)	A9		CJEU (A)	A9		CJEU (A)	A9		CJEU (A)	A9
A10	213	CJEU (A)	A10		CJEU (A)	A10		CJEU (A)	A10		CJEU (A)	A10

The good practices that I have identified...

(My subjective opinion !!! All right reserved ..)

- I. Many kinds of classes;**
- II. Using of varied methods of training;**
- III. Classes E (kind of seminary);**
- IV. The model of cooperation between the School and the lecturers;**
- V. Cooperation between the lecturers in preparing the classes;**
- VI. Synchronizing the classes in the School with the apprenticeship in courts;**
- VII. Opening of the School for the new lecturers;**
- VIII. Lecturers' evaluation;**
- IX. Using the computers during the examination after the classes;**
- X. Preparing the last classes (*before the judicial/prosecutorial exam*) partially according to demand of the trainees;**
- XI. Casebooks.**

I. *The good practices – Many kinds of classes*

- *The classes are conducted in varied forms from **A to H**, which give the lecturers and the trainees the possibility to adjust the type of classes to the needs and the subject of the classes;*
- *So the kind of classes can be modified and chosen according to the problems and goals that should be accomplished;*
- *The varied forms of classes compel the lecturers and the trainees, to be well prepared for classes.... And make the classes not boring ...*

II. The good practices –Using of varied methods of training

The lecturers use many methods and means of training

- Almost every kind of classes is conducted with multimedia (*video, projector presentation, showing files in the background on the wall*)
- **Learning by teaching** – dividing the work between the trainees – *the trainees should prepare something for the classes and present the group* under the supervision of the lecturer (especially *A-classes, B-classes*) ;
- **Interactive manner of teaching** – the lecturers should get in touch with trainees during the classes (*especially Socratic method – classes type A and with solving cases classes type G*);
- Initiating the discussion especially about controversial problems (*death penalty, contradictory judgments of the Supreme Court, law and political problems and etc.*);

A (case method) - analysing crucial judgements and decisions issued by:

- The European Court of Human Rights,
- The Court of Justice of the European Union,
- The Supreme Court, The Supreme Administrative Court
- The Constitutional Court,
- Polish common courts;
- The trainees receive **about 1-2 month earlier (per e-mail)** the main cases, that they are obliged to read.... with comprehension;
- They present and explain these judgments during the lessons;
- The trainees under the lecturer's direction can analyse the interpretation of the law and argumentation of the Court (reasons of judgment) ;
- The lecturers use **Socratic method** , so they ask a question that leads to another question.... that leads to another question.... etc.
- The trainees have the possibility to present their own point of view;
- Sometimes the choice of judgments can provoke a big discussion...



FOURTH SECTION CASE OF WDOWIAK v. POLAND (*Application no. 28768/12*)

JUDGMENT STRASBOURG 7 February 2017

In the case of Wdowiak v. Poland,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

András Sajó, *President,*

Vincent A. De Gaetano,

Nona Tsotsoria,

Krzysztof Wojtyczek,

Egidijus Kūris,

Iulia Motoc,

Gabriele Kucsko-Stadlmayer, *judges,*

and Andrea Tamietti, *Deputy Section Registrar,*

Having deliberated in private on 17 January 2017,

Delivers the following judgment, which was adopted on that date:

B (workshop)

- working with real court's case files;
- The trainees receive copies of real cases files ;
- They can analyse the files; how was the case proceeded by real judge or prosecutor;
- During the B-classes the trainees make many drafts of: judgments decisions, court's decrees etc.
- They can be divided into groups ...
- Very often they receive the case files without the judgment, so they can (*or should*) make their own judgment,..... so they have to think over ... and show their own reasons of the judgment.
- Sometimes the trainees can see the good job,..... sometimes very, very, veryrarely not.... Then they are strongly **warned never to do, what was done in the case....**
- Showing the mistakes of the others is very useful for teaching.....

- ***C (supplementary classes)***
- this kind of lessons should help to understand what was taught during classes A and B;
- During the supplementary classes can be used many forms of teaching (*lecture, workshop, multimedia presentation*);
- Supplementary classes are especially useful when the subject of the lessons is complex and complicated...

D (moot court/ mock trial)

- *It's the kind of supplementary classes;*
- *The trainees receive the case files and have to prepare the hearing ;*
- *They have to cast the roles – who will be a judge, a plaintiff, a defendant, a witness, experts, public etc.;*
- *Moot court help with feeling the problems that arise during the real hearing;*



- **III. The good practices - classes E (kind of seminary)**
- **During the seminary the trainees present their experience and comments on the apprenticeship in courts (*prosecutorial offices*);**
- **They can talk about the problems that have emerged during the practice, especially if there is discrepancy between the law regulation and practice in court or are different practices in courts;**
- **In my opinion, it's very important classes because the trainees are all over the Poland and sometimes there are varied practices depend on region of the country.**

- One of the ideas to create the School (*the only School in the country*) was the idea, that the School by its trainees will unify and standardize the practice in applying the law all over the country. So every citizen of Poland should be treated in court in similar manner.
- During the seminary the trainees can bring all the problems up, including ethical problems...
- The School receives the feedback from the court:
 1. *How are the trainees trained during apprenticeship in the court ?*
 2. *How good are the tutors in the court ?*
 3. *Do they have enough experience with tutoring ?*
 4. *What problems do the trainees have during the apprenticeship ?*

F (compendium)

- **Compendium is aimed to present the basic problems of the material that is to master during the lessons;**
- **The lecturer should prepare properly to the lessons and send the trainees (*via School per e-mail*) the bibliography, especially the commentary to the subject ;**
- **It is required that the lecturer asks every trainee about something to check effects;**

G (solving cases)

- Solving cases is very useful method that make the trainees to think about the case and use their knowledge and figure out the solution of the cases;
- To solve the cases they have to know substantial and procedure law, that the cases are related to;
- The cases should be complex and complicated. They should give the possibility to analyse many, many, many, many... problems in given matter;
- The cases are very often prepared by the lecturers which have the lessons (*for example every lecturer prepares 2 cases and sends to the School to the coordinator of given lessons*);
- The lecturers know all solutions of the cases, so they can lead the lesson in that manner, that they can give the trainees the guidance , how to tackle the given case....but the trainees should solve the cases themselves ...

- *H (exam's feedback);*
- The lectures responsible for these lessons are the **members of exam's commission**, so they know all about the problems that had turned out during the exam ;
- The trainees expect that all what is related to exam will be explained, especially the rules of evaluations;
- The lecturers present all mistakes that they had met at the checking of the written exam.

IV. the good practices –

The model of cooperation between the School and the lecturers ;

- The National School is aiming at permanent raising skills and qualifications of the lecturers.
- To accomplish these goals the School organizes every year (September/October) 3–days training for the lecturers in Cracow.
- The training of the lecturers should help the lecturers to improve and facilitate conducting the classes (*from A to F*):
 1. **By analyzing** what the methods of training should be used at teaching of the trainees (*snowball, brainstorm... and so on*);
 2. **By analyzing** the problems with trainees which are announced by lecturers for example;
 - a. The trainees don't prepare well enough for the classes;
How challenge them to do their work better?
 - b. Not fair evaluation of the lecturers (*sometimes especially against demanding lecturers*). *How to counteract such behavior of the trainees ?*
 3. **By providing** the lecturers with psychological knowledge and knowledge from the area of **andragogy** ...

- **The training of the lecturers should help the lecturers in good cooperation :**

1. between the lecturers themselves ;
2. between the lecturers and the School;

The lecturers should be involved in the problems of the School and working out at the model of initial and specialization training...

The more the lecturers are familiarized with the School the better be their job.

Very important part of training is informal part when the lecturers can become better acquainted with each other, because they very often have to cooperate at preparing the classes (*especially types B, G, A*). They become better acquainted with staff members of the School, too. Many of them are judges or prosecutors.

During the informal part of training the lecturers visit museums, theatres , and go together for supper with life music... They discuss many problems and share a lot of experience about which they wouldn't talk in the School.

V. The good practices – Cooperation of the lecturers in preparing the classes (example – preparing classes type G)

1. About 3 months before the planned classes the School chooses the lecturers for the leading/conducting the classes. One of the them should be the coordinator. The number of the lecturers is adequate to number of the groups (*15 trainees every group*). One lecturer for each group .

2. The coordinator should :

- a) prepare the syllabus for the classes in which he should determine what kind of knowledge, what kind of skills and what kind of competences should the trainees gain during the classes ;
 - b) distribute the work between the lecturers: so for example at G-classes, every lecturer should prepare 2 cases with solutions and send them to the coordinator.
 - c) The coordinator should get in touch with every lecturer to agree the best version of solution.
 - d) usually a day before the classes the lectures meet in Cracow at the supper and friendly discuss all the last problems connected to the classes.
- Sometimes only then they see each other personally;

VI. the good practices – synchronizing the classes in the School with apprenticeship in courts (prosecutorial 's offices) :

- It's very important that the training cycle in the School is related to the programme of the apprenticeship in the courts, because the trainees can understand many legal rules better if they see how to apply these rules in the practice.
- So if they are trained in civil law in the School - they should have the apprenticeship programme in Civil Division of the court - under the supervision of the tutors - judge who works in this Division;
- The apprenticeship is aiming to convey the trainees the skills and the methods that are used by the tutor in his work. They should gain convictions that all what they have been thought is necessary for them;
- To accomplish this goal the School have to cooperate closely with tutors of the trainees in courts (**prosecutorial's offices**). The School writes very often to tutors in courts (**prosecutorial's offices**) what are the School's expectation, what kinds of skills and knowledge should the trainees attain during the apprenticeship;

During the apprenticeship the trainees:

1. Familiarise with the tasks of the given division of the court;
 2. Take part in the hearing as a recording secretaries;
 3. Prepare the projects of judgments and decisions
 4. Prepare the projects of the argumentations (reasons) of the judgments;
 5. Read the pleadings of the parts.
- Good cooperation with tutors is necessary ; sometimes the tutors can see better the behavior of the trainees what's very important (*especially if it is not appropriate behavior*) ;
 - Such synchronizing can help the trainees to strengthen and preserve the knowledge

- Every trainee has **teaching practice journal**, where are inscribed all details of the practise (*especially time the practise, activities and tasks*);
- After completion of the apprenticeship programme, the tutor submit a written opinion on the given trainees and their achievements to a **regional training coordinator** (*the School receives the copy*)
- The opinion of the tutor has two parts so: the grade/mark from 0 to 6 (*to come through the trainee needs at least 2 points*) and written justification of the grade.
- Based on the assessment issued by apprenticeship and internship tutors, regional training coordinators prepare a **final review** and assign a **final grade comprising the arithmetic mean** of all grades given by apprenticeship and internship tutors.

VII. the good practices– Opening of the School for the new lecturers

- **The director of the School approaches to the judges and prosecutors and invites them to take part in recruitment for the School's lecturers ;**
- Opening the School for the new lecturers is very important, because the circle of the lecturers can be still widened, what is good for the School and for the trainees, too;
- New lecturers can boost the competition for better qualification of all the lecturers;
- New lecturers can inspire the School with new ideas and preserve the School against isolation from the outside world... and its real problems ...
- The effect of the „*fresh blood*“ in the School should brisk the atmosphere and training results;

VIII. the good practices - lectureres' evaluation

- After every classes that were held by the given lecturer – the trainees can do (anonymously) evaluation the classes and the lecturer himslef.
- They especially evaluate (**from 1 to 6 point**) :
 1. Preparing the lecturer for the lessons ;
 2. Abilities the lecturer to convey the knowledge;
 3. Exhaustion the theme of the lessons ;
 4. Applng the methods of teaching, which were envisioned ;
- They can make a written comment on about the competence and behavior of the lecturer during the lessons.
- If the lecturer has bad evaluation (*especially if that reoccurs*) the School can check – why the lecturer has so bad evaluation. Is he really not suitable for conducting classes (?) or maybe he is only to much demanding.... (?) ...
- The School can change the lecturer (*It's more difficult to change the trainees....*)

IX. the good practices – Using the computers during the examination after the classes;

- Since 2016 the exams after **training cycle** are conducted with using the computers;
- The trainees have the written exam with using computers what help them to save a lot of time by checking and correcting the mistakes;
- The written works are easier to check by exam team because they are legible (**readable**), what earlier sometimes wasn't....
- The young people have no problems with using the computer, its normal for them;

X. The good practices – Preparing the last classes (before the judicial/prosecutorial exam) partially according to demand of the trainees;

- The last classes (XXVI) in the School are kept 1–2 month before the judicial exam;
- In preparing these classes the lecturers cooperate with trainees themselves. The trainees can suggest problems and send questions to the lecturers – (*via School*) what should be lectured/discussed during the last classes before the judicial exam (*especially classes type F*); They use the possibility **with a good grace**....
- So partially the classes are planned according to demand/needs of the trainees. The classes have the advantage that they are connected to problems which are important for the trainees themselves;
- No need to explain, that if they ask for these classes, they will be better interested in them.

XI. the good practices - casebooks

The casebooks in my opinion is very good idea of the School:

- The lecturers of the School prepare professional handbooks for „ *The Trainees' Library* “ at many areas of law.
- The books include many important judgments, comments, practical information, that are very useful for the trainees before and after exam ...
- The casebooks are profiled and include the exact and precise knowledge that is necessary for every trainee. The trainees can save a lot of time using the casebooks instead looking for the materials themselves ...

BIBLIOTEKA
APLIKANTA

**ZBIÓR ORZECZEŃ
Z ZAKRESU PRAWA
KARNEGO MATERIALNEGO
WRAZ Z KOMENTARZAMI
PRZESTĘPSTWA I INNE FORMY
NARUSZENIA PRAW WŁASNOŚCI
INTELEKTUALNEJ ORAZ PRZESTĘPSTWA
PRZECIWKO OBROTOWI GOSPODARCZEMU**

CASEBOOK

ALICJA ADAMCZAK, ANNA KORBELA, DARIUSZ KUBERSKI
JANUSZ RAGLEWSKI, MAREK SIWEK

POD REDAKCJĄ
DARIUSZA KUBERSKIEGO



BIBLIOTEKA
APLIKANTA

**ZBIÓR ORZECZEŃ
Z ZAKRESU
POSTĘPOWANIA CYWILNEGO
WRAZ Z KOMENTARZAMI**

**ORZECZENIA, ICH WYKONALNOŚĆ
I PRAWOMOCNOŚĆ.**

**ŚRODKI ODWOŁAWCZE
I ŚRODKI ZASKARŻENIA**

CASEBOOK

PIOTR BORKOWSKI, WIESŁAWA KUBERSKA,
MARIA LESZCZYŃSKA

POD REDAKCJĄ
PIOTRA BORKOWSKIEGO



BIBLIOTEKA
APLIKANTA

**ZBIÓR ORZECZEŃ
Z ZAKRESU PRAWA
KARNEGO MATERIALNEGO
WRAZ Z KOMENTARZAMI**

CZĘŚĆ SZCZEGÓLNA:

PRZESTĘPSTWA PRZECIWKO ŻYCIU I ZDROWIU,
PRZESTĘPSTWA PRZECIWKO BEZPIECZEŃSTWU POWSZECHNEMU,
PRZESTĘPSTWA PRZECIWKO BEZPIECZEŃSTWU W KOMUNIKACJI,
PRZESTĘPSTWA PRZECIWKO WOLNOŚCI
I PRZESTĘPSTWA PRZECIWKO MIENIU

CASEBOOK

DARIUSZ KAŁA, KAZIMIERZ KLUGIEWICZ,
DARIUSZ KUBERSKI, AGNIESZKA PILCH, MAREK SIWEK

POD REDAKCJĄ
MARKA SIWKI

