

ORGANISATIONAL CULTURE AND CHANGE MANAGEMENT IN COURTS, BASED ON THE EXAMPLES OF THE GDAŃSK AREA COURTS

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Abstract

Background. Courts are by definition bureaucratic, hierarchical organisations, epitomised by low levels of networking potential, which basically lack mechanisms of information exchange, or those of sharing information both at the level of the organisation of the justice system (the macro scale) and within a given court (the micro scale).

Research aims. The aims of this article was implementing modern management methods of common courts, based on the examples of the Gdańsk area courts, and attempts to provide an answer to the question of whether courts, viewed as bureaucratic bodies, are ready to launch organisational change aiming at the creation of organisations based on knowledge.

Method. Based on the case study approach, this paper outlines the results of an innovative pilot study. Throughout the pilot study, sixty selected district, regional and appellate courts, with the help of external experts, were subjected to the implementation of “good practices” – managerial improvements. Also, the paper illustrates the findings of research conducted on the organisational culture of the Gdańsk area courts, based on the examples of three district courts and one regional court, participating in the pilot study.

Key Findings. Amidst the basic research methods employed in the paper are: literature-based studies, empirical analysis with the use of available secondary studies, as well as individually-conducted empirical studies conducted for the purposes of this paper, which has initiated the discussion on the notion of organisational culture in courts, and has raised the questions of whether a) the courts are ready to accept the changes aimed at altering their management; b) the organisational culture in the courts covered by the study determined the selection of practices to be implemented; c) organisational culture in courts lies at the foundation of building a knowledge-based organisation; and d) there exists a potential for sharing knowledge among the courts covered by the study in question. The results of the study in question prove that organisational culture of courts determined the possibility of implementing managerial practices aimed at shaping a knowledge-based organisation.

Keywords: Benchmarking, Knowledge management, Management in courts, Organisational culture, Change

INTRODUCTION

Courts are by definition bureaucratic, hierarchical organisations, epitomised by low levels of networking potential, which basically lack mechanisms of information exchange, or those of sharing information both at the level of the organisation of the justice system (the macro scale) and

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within a given court (the micro scale) (Banasik, 2014). Such a situation makes each court sacrifice much time and other resources to work out process, organisational and social solutions, instead of reaching for ones already created and put into practice by others. There is also a clear lack of instruments for managing knowledge within individual courts. Extensive research on organisational change in the judiciary, targeting a result-based organisation that boosts employees' innovation and creativity and lays down the basis of internal communication between the individual organisational units of a court, as well as within external communication with the court's clients and its entire external environment was commenced by the innovative project named *PWP: Education on managing time and court proceeding fees – case management*, conducted in 2011 – 2015 by the National Board of the Judiciary and Public Prosecution Service as part of the Human Capital Operational Programme, co-financed by European funds from the European Social Fund. Its goal was to add qualitative difference to the level of management in courts. As part of the pilot study, the courts covered by the programme were scrutinised for good practices, including those pertaining to the area of knowledge management, and subsequently implemented in the remaining courts. It was the first project of this kind initiated in the Polish judiciary, following the European trends of modern management techniques adopted within the judiciary.

Admittedly, courts are knowledge-based organisations. The results of judges' activities are judgments and decisions, i.e. products of an intellectual activity, and in other words, a sort of knowledge. In light of the above, it is possible to put forward the thesis that effective management in courts ought to be based on the so-called “soft elements of management”, for example on building trust between individual people, offering leaders' support to pursue internal employees' motivation, and creating an environment where the staff can unreservedly develop their potential.

The pilot study was conducted in two groups of courts: 1) as part of the basic study, the choice of courts had been made by the Ministry of Justice – a top-down initiative; and 2) a supplementary study, whereby the courts themselves applied for the project – bottom-up initiative. The good practices pertained to: (a) communication, (b) team-oriented activity, (c) work organisation, (d) competences of the staff, (e) staff motivation, (f) staff development, (g) use of modern technologies. Implementing practices complying with the above listed areas was supposed to contribute to, and in particular help to optimize, the working time and the court-proceedings timing. Amongst the beneficiaries of the project were 3 appellate courts, 19 regional courts, and 38 district courts. From 28 June 2013 to 31 October 2014, 60 pilot-study courts were covered by



implementation activities within the range defined and agreed as part of the implementation project. Courts of different size took part in the pilot study:

1. AŚ – mid-sized appellate court,
2. OM – small regional court,
3. OŚ – mid-sized regional court,
4. OD – big regional court,
5. RM – small district court,
6. RŚ – mid-sized district court,
7. RD – big district court.

Whilst determining the size of a given court, we took account of the following criteria: the number of cases heard, the number of judges sitting at cases, the number of divisions, and the number of court employees. Given the simplification and unequivocalness of the subdivision, based on statistical distribution of the number of courts, the size of a court was determined in line with the number of judges, adopting the following intervals: (a) up to 20 judges – small court, (b) between 21 and 80 judges – mid-sized court, and (c) over 81 judges – big court. Table 1 below illustrates the number of courts participating in the pilot study in the respective categories.

Table 1. The Number of Courts Listed in the Respective Categories

	Small	Mid-sized	Big
Appellate	0	3	0
Regional	2	12	6
District	8	25	5

Based on: The end report of the implementation of the basic and supplementary pilot study of modern management methods of common courts, WYG International, WYG Consulting, WYG PSDB, Cracow School of Economics, the Allerhand Institute, Warszawa 2014, not published.

As part of the pilot study, the courts made choices of the practices to be implemented from the catalogue of 24 good practices. The good practices were subdivided into three groups based on the relevant subject matter, following the pattern listed below:

1. IT-based: electronic court order for bringing in a defendant, IT-based tools of internal communication, managing digitised court files, IT-based system of resource reservation, checking the security levels of computer posts and units, and managing IT resources and services.
2. Staff-based: change management in the court, knowledge management and staff skills management, extra-financial motivational instruments, standardisation of workplaces, examination of court employees' satisfaction levels, staff audits, managing



the procurement and adaptation of employees, and managing the system of periodical staff evaluation.

3. Organisational: managing the tasks performed by court clerks, analysis of activities conducted in the judicial division, participative model of court management, managing employees' innovation, updating the system of judicial support, organisation and functioning of the Customer Service Desk, improving the general image of the court, the court as part of the social environment, organisation of accountancy in the environment of new technologies, and the court as a self-learning organisation.

ORGANISATIONAL CULTURE

Implementing good managerial practices, in particular within the area of knowledge management, was highly dependent upon the courts' organisational culture. The judiciary is epitomized by the co-existence of two subcultures: judges and clerks. The judges' culture is based on the values pertaining to respect for law and acting in line with the procedures. Checking a judge's activity is also focused on compliance with relevant procedures. Chances of promotion, just as in the case of clerks, depends on procedural accuracy of the cases heard. Judges are independent, and the activities relevant to administrative supervision may never enter this sphere, as they are subject only to instance-based control. The president of a court is clearly the official superior of judges; hence, he/she makes relevant decisions on assigning the judges to specific divisions, as well as those pertaining to the range of their duties; he/she also sets the rules of assigning cases to individual judges. He/she, however, has no influence whatsoever on the quality of the decisions taken. Court clerks currently work under the court manager (until January 1st 2013, they reported to the president of their court). Such change of subordination may cause further deepening of this specific separateness of clerks' culture, as well as lack of understanding of their auxiliary role against the basic functions of common courts. In a bureaucratic structure of the judiciary, a court clerk may not manifest his/her independence of decision making, as he/she has been reduced to a merely executive role. All the clerical decisions are subject to control both in terms of their substance and formal nature. Clerks account for the executive activities they perform, and by no means relieve judges from the substance-based activities.

The norms and values of the above groups make up the organisational culture of courts. The very definition of the notion of "organisational culture" is a tough task. Generally speaking, organisational culture is a set of dominating norms and values typical for a given organi-



sation, and supported by the premises of the nature of reality and surfacing by dint of artefacts, i.e. external, artificial constructs of a given organisation (Kostera & Kownacki, 1997). The effectiveness and success of the organisation are not merely the effect of the functioning of a „good” structure, but also the existence of proper pro-effective motivation and competent managers. Organisational culture has an invisible quality: it impacts whatever happens inside it and its relations with the outside. The organisational culture of courts requires in-depth analysis and detailed studies based on the analysis of the impact of organisational cultures on organisational behaviours of the judiciary’s staff. The themes of knowledge management strongly accentuate the role of organisational culture. Undoubtedly, within this area one of the most eminent publications is Geert Hofstede’s and Gert Jan Hofstede’s *Cultures and Organisations. Software of the Mind*, released in 2000 and 2007 (Hofstede & Hofstede, 2007). One of the most valuable proposals of these authors has been that of ascribing six dimensions to organisational culture:

1. Orientation for maintaining procedures – targeting results (procedural priority and result priority,
2. Caring about the workers – caring about production,
3. Sense of belonging – professional approach (guild-like communality).
4. Open system – closed system,
5. Loose control – strict control.
6. Normativity – pragmatism.

The above listed dimensions have been defined on the basis of the research conducted by Hofstede as part of the Institute for Research on Intercultural Cooperation – IRIC in the latter half of the 1980s. In *Business Leadership and Culture*, Bjorn Bjerke notes that ”businesses are often successful because their employees may act in line with their cherished values, and that businesses with traditions offer a rich and complex set of values, and not just goods and/or services” (Bjerke, 2004).

In sociology, the work which in the opinion of the authors ought to be considered whilst pondering the issues of knowledge management is Piotr Sztompka’s *Trust*. In the subchapter dedicated to cultural imponderables, attention has been paid to the fact that ”actions taken in human groupings are not taken individually or independently from each other, but are rather linked to form complex areas/fields, and depending on the degree of their coherence are labelled groups, communities, organisations, associations, institutions, states, markets, and others” (Sztompka, 2007). Hence, of key importance for maintaining a given human community are the cultural variables that specify the rules of cooperation in a given group. It is worth mentioning that in sociology,



the notion of „social capital” has been developed extensively (Bourdieu & Passeron, 1997; Putman, 1995; Sztompka, 2007), and it is defined as, among others, “the qualities of social life: the networks, norms, trust, which allow its members to act more effectively together in pursuit of a particular common goal.” [...] Social capital concerns social ties, norms pertaining to them, and trust (Putman, 1995). This definition features the notion of “trust”, which has also recently become the subject of analysis in the already mentioned trend dubbed “managing trust”. Therefore, one may put forward the thesis that a condition for the creation of an effective organisation, i.e. such where members’ actions face one common direction, is the creation of a coherent organisational culture, which in turn, requires making members of an organisation trust one another. Having said that, the main goal here is not that to build a “single” culture. Standardisation often leads to a drop in creativity and effectiveness of teams working in an organisation; hence, “coherence” ought rather to be understood as “the ability to act in unison (making goals come true) of the entire enterprise despite the existence of subcultures”.

Building a coherent organisational culture requires, first of all, creating a set of commonly observed values for all employees, as organisational culture is above all “the system of shared values” (Krupski & Stańczyk, 2008). In the book by Jakub Brdulak, we can come across the following algorithm of building a coherent organisational culture:

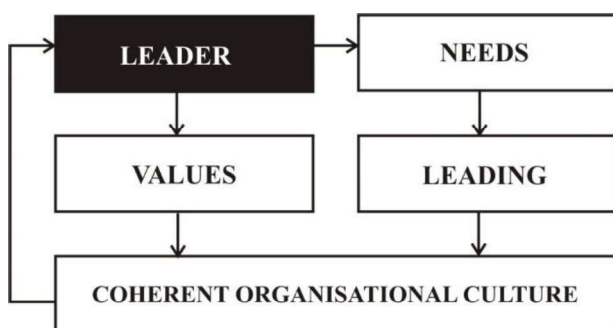


Figure 1. Building A Coherent Organisational Culture

Source: (Brdulak, 2012, p. 141).

According to the Figure1, building a coherent organisational culture requires creating common values supported by the helping hand of leadership. The system of values should rest on employees’ needs. The tasks of defining needs, and leading are ascribed to the leader, who making use of the 2K method (for more details, see Brdulak, 2012, p. 137), is able to better realise his/her own tasks. At the same time, feedback



takes place, because in a given organisational culture, leaders determined by a specific culture are rewarded.

MANAGING CHANGE

Mick Cope, founder of WizOz, an organisation whose main goal is to optimise the potential of people and businesses, has proposed a method of managing change which he labelled “the change ladder” (cf. chart). This method takes into account issues pertaining to organisational culture.

5	VALUES	LEVEL 5
4	DESIRES	LEVEL 4
3	SKILLS	LEVEL 3
2	PROJECTS	LEVEL 2
1	GOALS	LEVEL 1

Figure 2. The Change Ladder

Source: From individual elaboration based on M. Cope (2010), *The Seven Cs of Consulting*, Pearson, Edinburgh, p. 71.

The main value of the methodology of change management suggested by Cope is taking into account the five elements – levels which ought to be taken into consideration when introducing change, to make sure that the results have a stable and long-term face. It is essential to not perceive this ladder hierarchically. For example, placing the goals at the lowest level does not mean that they are the easiest ones to put into practice, least significant, or that one has to start launching change right from this very level. In this approach, it is of key importance to consider all the levels although, to the mind of the authors, the terminology “ladder” adopted by Cope is inaccurate insofar as it imposes hierarchical associations.

At the lowest level of the ladder are the goals: as part of it, one has to guarantee coherence between organisational goals and those of individual people. The term „projects” should be understood as changes within processes. In theory, it seems that these changes are pretty easy to implement; however, in practice, it is indeed an area in which the person launching the change(s) often suffers defeat, as they fail to consider the specific needs of individuals or groups/teams. The level of “skills” aims to build new skills with people and teams subject to

change. For Cope, this level has a lot in common with the notion of “knowledge”, as Cope himself subdivides skills into “explicit” and “tacit”, so knowledge is subdivided in exactly the same way. As part of this level, of key importance is to define the optimal relationship between those explicit and tacit for each organisation. One more layer is the “desires”, which can be equalled with the motivation to grow. Cope notes that at this level, it is necessary to identify the force of internal contradiction, which occurs among people, and surfaces between what they wish to be and what they are, at a given moment. The supreme level is made up of values, referred to by Cope as the “ethos”. Here a sort of stratification occurs all too frequently, which happens between what a given person voices and what is actually performed. Cope exemplifies this with the figure of the manager who sends out a letter printed by an ink-jet printer to all the Staff, saying that “we all need to economise on our funds”.

Availing himself of the above model, Cope distinguishes 5 major types of introducing change, which often take place in real life, but whose results are typically unstable and short-term, and 1 type of launching change which ought to ensure long-term results. Table 2 illustrates the specific types and provides a brief description.

Table 2. The Key Qualities of the Specific Types of Introducing Change

Name	Type of change introduced presented graphically	Description
1. Fixing		A typical form of solving problems adopted by companies. However, focused solely on processes and goals, and too poor – change will not be permanently launched without considering the remaining three levels: skills, desires, and values. For example, implementing CRM won't automatically effect growth of customer service quality.
2. Miracle		A typical approach used in cases of repeated problems. The agent implementing this sort of change assumes that launching a given procedure will cause change at the level of desires (motivation) and values. By analogy, this type of change can be paralleled with a new diet: a new prescription won't automatically lead to a loss of weight.
3. Waterfall		An approach resting on the assumption that if we change the slogan of our activity, (often linked with our mission and vision), it will automatically change our organisation's operational functioning. This often happens when a new board is appointed, who start their activity by announcing a new path of growth, e.g. quality orientation, or customer care. Reception of these slogans by the average staff is often poor.

4. Cult		<p>In this approach, the operational staff begin to accept the new vision imposed by the board. To a large extent, this change is based on fascination with the new board. However, acceptance of new rules is far more a long-term process, as it requires changes within the system of values. If the board fails to make sure that change alters the employees' system of values for good, this cult is due to die out pretty shortly.</p>
5. Wall		<p>This type of change often occurs in situations when change is implemented by an external team: a consulting company, or a training team. Based on its know-how, the external firm implements optimal solutions at four levels, but it comes across a wall at the level of values, as the company's board fails to get engaged in making change happen. It can also happen that the board does not even approve of the solutions resulting from change, which makes it impossible for change to take place at all.</p>
6. Handle		<p>This type launches change with a high degree of probability that stable and long-term results will spring up. Each of the levels at which change occurs is enhanced by a change in values. The only threat to attaining the desired results will be the stratification in the sphere of values between what is voiced out loud and what is actually performed. In the event of lack of such stratification, this type of launching change should result in success.</p>

Source: individual elaboration, Jakub Brdulak, based on M. Cope (2010), *The Seven Cs of Consulting*, Pearson, Edinburgh, pp. 84–89.

It is worth pointing to the ties between the approach proposed by Cope and organisational culture. First of all, Cope's method, takes account of the values on which organisational culture rests. Second, in implementing change, Cope focuses on the "human factor", and organisational culture is, after all, built by people. Third, it assumes that implementing change should cover all the levels featured in the "change ladder", and in particular it should be supported by a coherent system of values communicated by the company's management board.

THE PILOT STUDY OF IMPLEMENTING MODERN MANAGEMENT METHODS IN COMMON COURTS, BASED ON THE EXAMPLE OF THE GDAŃSK AREA COURTS

In order to ensure stable and long-term results in the way courts are managed, good managerial practices were identified with the assistance of external experts, and subsequently implemented in other courts taking part in the study. The selection of good practices for im-

plementation in specific courts, as well as supervision over individual stages of implementation was left to the court management level, i.e. the president and the manager. Good practices were implemented by court employees grouped into teams. Employees' creativity caused modifications of the practices put into practice, adjusted to the needs of a specific court. Additionally, presidents and managers met voluntarily on a regular basis once a month to discuss issues that came out throughout the implementation of good practices. These meetings were a sort of platform of vertical and horizontal exchange of knowledge and experience. Also, in the pilot-study courts, communities of practitioners were formed, made up of managers of lower instance courts (heads of administration units and accounts), sharing their knowledge on, among others, communication, human resource management, and using modern technology to monitor the flow of cases through the court, as well as the financial flow. Participation of practitioners and representatives of the management in such groups guaranteed launching of solutions worked out and translating them into practice. As a result of the study, a participatory network was institutionalised, linking the courts covered by the pilot study conducted (Banasik, 2014).

The pilot study of implementing modern management methods included, among others, all the district courts of the Gdańsk area, along with the regional court (i.e. 12 courts). The courts were implementing practices within the planning and operational model. The former entailed occurrence of the following implementation elements: the implementation plan was approved by the relevant bodies of the court. A standard pattern of action was defined to facilitate partial improvements aimed at launching a given good practice. An inventory was made of the reference material, taking the form of products and improvements developed in other courts covered by the pilot study, in line with the priority of creating a horizontal and vertical network of knowledge exchange, approved in the Project. Guidelines were set on the optimal project structure, with particular focus on the structure of the steering committees, determining necessary resources, and defining the aims of the particular projects. Distance engagement of experts was employed to prepare a given court for implementation of good practices and developing the project documentation. The latter featured all the elements typical of the above mentioned planning model of implementation, enhanced by: the involvement of experts and auxiliary staff in implementation actions taken within the court area. Listed below are the results of the pilot study of implementing modern management methods, based on the example of four courts.

In the Gdańsk Regional Court – RC (a big regional court) as many as 11 good practices were launched in line with the operational model:

managing the employees' change of approach, managing employees' innovation, improving the general image of the court, the Court as part of the social environment, managing court clerks' tasks, IT-based tools of internal communication, extra-financial motivation instruments, a survey of the court's staff, managing procurement and adaptation of employees, organisation and functioning of the Customer Service Desk, electronic court order for bringing in a defendant. In the planning model, it was suggested to introduce further practices: managing employees' knowledge and skills, the Court as a self-learning organisation, managing digitised court files, analysing the activities performed within the judges' division, standardisation of workplaces, personal audit, participatory model of court management, upgrading the support system of the body of rulings, IT-based system of resource reservation, managing the system of periodical staff assessment, security audit of computer posts, managing IT resources and services and organizing accountancy in the environment of modern technology.

The DC3 (a mid-sized court) implemented as many as 6 good practices: Improving the general image of the court, IT-based tools of internal communication, managing digitised court files, extra-financial motivation instruments, organisation and functioning of the Customer Service Desk, IT-based system of resource reservation. In the planning model, the following were planned for implementation: managing the employees' change of approach, managing employees' innovation, managing employees' knowledge and skills, electronic court order for bringing in a defendant, standardisation of workplaces, personal audit, managing the procurement and adaptation of staff, managing the system of periodical staff assessment and security audit of computer posts.

The DC2 (a small district court) launched as many as 5 good practices: managing employees' knowledge and skills, electronic court order for bringing in a defendant, IT-based tools for internal communication, managing the procurement and adaptation of staff, organisation and functioning of the Customer Service Desk. In the planning model, the following were suggested for additional implementation: managing the employees' change of approach, managing employees' innovation, improving the general image of the court, the Court as part of the social environment, extra-financial motivation instruments, standardization of workplaces, personal audit, upgrading support systems of the body of rulings, IT-based system of resource reservation, managing the system of periodical staff assessment.

The DC1 (a mid-sized court) put as many as 7 practices into action: improving the general image of the court, electronic court order for bringing in a defendant, IT-based tools for internal communication, extra-financial motivation instruments, upgrading support systems of



the body of rulings, organisation and functioning of the Customer Service Desk, security audit of computer posts. In the planning model, it was noted that additional good practices could be launched: managing the employees' change of approach, managing employees' knowledge and skills, managing employees' innovation, the Court as part of the social environment, standardization of workplaces, a survey of court employees' satisfaction, managing the procurement and adaptation of staff, IT-based system of resource reservation, managing the system of periodical staff assessment.

Looking closer at the findings, it is an evident tendency that the courts selected the good practices connected to the communication aspect of their functioning, and worse marks were scored by the practices pertaining to IT and the body of rulings. In the opinion of the pilot-study courts staff, the practices launched contributed to a general improvement of the communication aspects of the functioning of these courts both when it comes to internal communication between the individual court organisational units, and as far as external communication goes, i.e. with the customers and the entire social environment. Also, it was pointed out that many of the solutions proposed as part of the good practices are conducive to boosting Staff innovation and creativity; hence, it allows for a better use of their potential, and contributes to better work organisation and more transparent structures. The pilot study initiated organisational learning in the participating courts, which was manifested most clearly by the new approach taken by courts which now started to learn from one another and exchange experience.

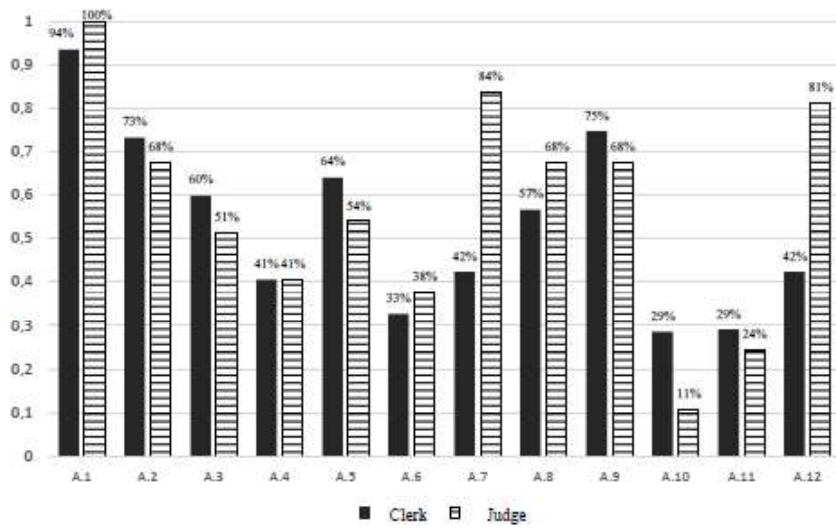
SELECTED FINDINGS OF THE RESEARCH CONDUCTED ON ORGANISATIONAL CULTURE IN 4 COURTS OF THE GDAŃSK AREA

At present, extensive research is being conducted by the authors focused on organisational culture. They employ simple tools which aim, above all, to reveal the potential fields that may generate risk for the individual organisational units. The research done in courts consists of five parts. The first is the Gallup Test, whose first findings have been presented below. The second part concerns coherence of teams; the third pertains to cooperation of experienced people with people undergoing induction for work; the fourth part uses the test put forward by Dawid Kolb, and developed in Polish B. Kożusznik (Kolb, Rubin, & McIntyre, 1997; Kożusznik, 2007) relating to leadership styles X and Y. The fifth part, in turn, concerns the incentives governing judges' actions. The research is currently conducted in three district courts and regional

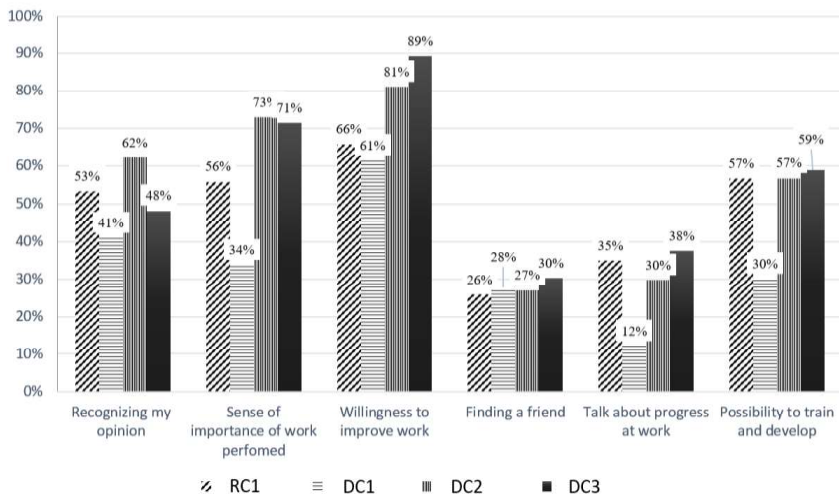


courts subjected to them: in Gdańsk, Warsaw, and Wrocław. Approximately 800 survey questionnaires are due to be collected. Similar studies are scheduled in foreign courts: in Lithuania, and Germany. Therefore, it seems that the research material is going to be robust and will allow to initiate a broader debate on knowledge management in the judiciary.

The graphs listed below (Figure 3) illustrate findings of the Gallup Test, which was administered in three district courts: DC1 (n=83), DC2 (n=37), and DC3 (n=56), and in the regional court RC(n=120), among judges (n=50) and clerks (n=246). The questions are presented in the Appendix.



Answers A7-A12:



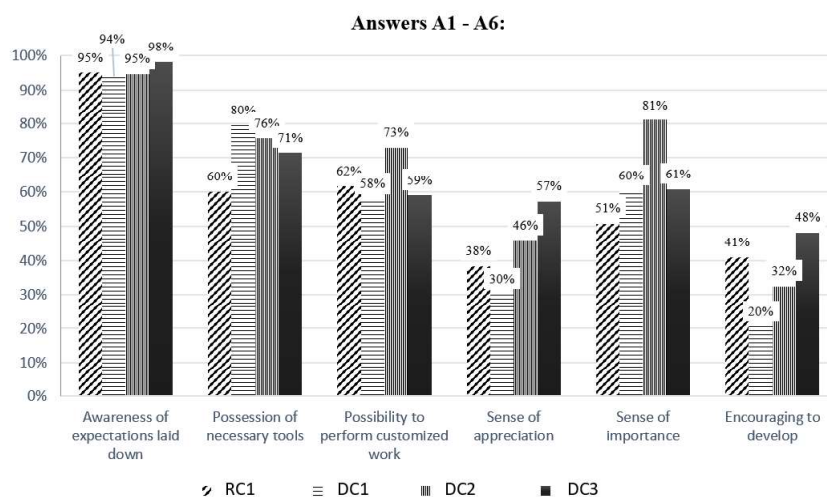


Figure 3. The Gallup Test Results for District Courts and the Regional Court

The columns present average YES (1,00) answers given by the respondents.

Source: Jakub Brdulak, The research of organisational culture of courts in Region Gdansk, 2015, not published

The data collected for the needs of the above graphs are for the time being still minor. The authors, analysing them, aim to focus on the areas generating the differences. For example, a big difference can be discerned in the answers provided by the clerks and judges to the question: Is my view taken into account at work? The judges believe it is the case (100% of the answers), but half of the clerks claim the opposite (49% of the clerks said YES). On the one hand, it seems that this situation is natural, but, on the other hand, one can ponder the question if it is desired. Maybe, it would make sense to introduce such solutions to make the clerks' opinions count more. It is necessary to prompt discussion with the authorities of district and the regional court. The data gained also enable to look at them according to the individual courts. For the time being, the survey encompassed only three district courts and one regional court. Taking another look at the differences, it is possible to discern that the employees of DC3 feel that "their boss or someone else at work cares more about them" (81% of the DC2 staff claim so, against 51% of the RC staff, 60% employees of DC1 and 61% of the DC3 employees). These findings again lead us to posing the question of whether such situation is the desired one. And, once again, answering this question requires discussing the issue with the authorities of district courts. In the second part of the questionnaire, the

questions concerned team coherence. The graph below presents only the results of the first question from the second part of the questionnaire examining team coherence: "Do you feel that you are part of your team in the court?" divided into three district courts and one regional court.

A preliminary analysis of the findings reveals that DC3 employees are more closely bound to their team. It is worth remembering that these findings include both the answers provided by judges and clerks. Hence, based on these findings, one is tempted to put forward the hypothesis that most probably this court boasts with better knowledge management processes than the other courts. Having said that, such thesis requires further in-depth study. How can one do this? In this court, the operational model of knowledge management and staff skills management was picked. In the remaining courts in which the staff feel the team spirit to a much lesser extent this practice was planned for launching only in the planning model.

Apart from the quantitative research, which may reveal a variety of interesting points of reference, it seems that it should also be necessary to hold a reliable discussion with the courts themselves. Such discussion ought to take into account both judges and clerks and ought to be done in order to identify the good practices that can with success be launched by other courts.

CONCLUSIONS

The realisation of the pilot project aimed at looking at the modern methods of managing common courts has revealed a big potential for change. In the 60 courts covered by the study 15 good managerial practices were launched in each. In some courts, their presidents decided to launch more than 15 practices. In the majority of the courts, including those operating in the Gdańsk area, a decision was taken to first implement the practice by the name of managing the employees' change of approach. Such change, in fact, instigates the process of changing organisational culture. In the classical approach, it was taken for granted that the management impose all the changes. The grounds for change were problems noticed by the management, or potentially by the results of the work of external experts. The changes were fragmentary in nature and were conducted relatively rarely. The growth of technology and the growth of education have pushed many institutions to involve employees in change management; such people were assisted by external experts in identifying problems and design and implement relevant solutions. The key competences in managing change are the skills of leading projects. At present, systemic change is emphasized increasingly more often, concentrating on the mission and



strategy of institutions, creating the capacity for growth, designing structures and processes targeting change. Such approach rests mostly on shaping and solidifying an organisational culture that is epitomized by openness of the staff for change.

In the Gdańsk area courts taking part in the pilot study, a decision was also made to launch the practice of improving the general image of the court. This will, in turn, help to enhance Staff identification levels with their organization. In the court where the employees were more closely linked to one another, putting this practice into action was planned only in the planning model. In DC1 court, in which the Staff enjoy the lowest possibilities of upgrading their knowledge and grow further and are not at all encouraged to do so their sense of team spirit is lower, and no practice was picked aimed at sharing knowledge or promoting employees' innovation in the operation model. Only in the planning model was the practice of managing the employees' change of approach & managing staff skills and knowledge planned for launching. In the regional court (RC), the majority of practices available were selected for launching. The findings show that in this court, the staff have the opportunity to gain new knowledge and experience, and, also, are encouraged to do so. They have a shared sense of purpose of the work they perform and the will to grow at the middle level. The employees also feel part of the team to a much lower extent. The above findings point to the fact that in this court, difficulties could be encountered by the management whilst implementing the good practices. This statement requires doing further research.

Introducing change in 60 courts, as a result of realising a pilot study, can have durable effects, given that the type of change known by the name of "wall" has been adopted, but the external experts did not employ their knowledge. As part of the study, the experts identified good practices in courts, and subsequently with the help of the management launched them in other courts. The durability of the findings of the pilot study necessitates conducting a further evaluative study. The effect of realizing the study has been *The Strategy of Modernisation of the Justice Space for the Years 2014 – 2020*, developed by the Ministry of Justice, with the support and assistance of, among others, presidents of the courts covered by the study. Modernisation aims to improve the effectiveness of functioning of the justice system in three dimensions: macro, mezzo, and micro. It is all about improving the efficiency of the way the justice system operates as a whole (the macro scale), the courts (the mezzo scale), and court proceedings (the micro scale). *The Strategy* assumes that improving court effectiveness may take place by introducing a managerial model of running them: a model going back to the notion of *New Public Management*, which stresses



the importance of economic aspects of public expenditure with simultaneous focus placed on enhancing the quality of public services and the effectiveness of the public sector.

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APPENDIX

- A1. Do I know what is expected from me at work?
- A2. Do I have the tools needed to do my work well at my disposal?
- A3. Do I have the chance to do what I can do best at work every day?



- A4. Have I felt appreciated at least once over the last 7 days?
- A5. Does my boss or anyone else at work care about me at all?
- A6. Does anyone at work encourage me to grow?
- A7. Does my opinion count at work?
- A8. Does the mission of my court give the feeling that the work I do is of importance?
- A9. Do my co-workers care that I work best?
- A10. Have I found my best friend at work?
- A11. Have I talked about my progress with anyone over the last 6 months?
- A12. Have I been the Chance to grow and learn at work?

KULTURA ORGANIZACYJNA I ZARZĄDZANIE ZMIANĄ W SĄDACH NA PRZYKŁADZIE OKRĘGU GDAŃSKIEGO

Abstrakt

Tło badań. Sądy są z definicji organizacjami biurokratycznymi o dużym stopniu hierarchizacji, słabo współpracującymi ze sobą w ramach sieci, nieposiadające mechanizmów umożliwiających wymianę informacji zarówno na poziomie pomiędzy sądami (w skali makro), jak również w ramach danego sądu (w skali mikro).

Cele badawcze. Celem tego artykułu było wdrożenie nowoczesnych metod zarządzania sądami w oparciu o przykłady sądów z okręgu gdańskiego. W artykule podjęto próbę odpowiedzi na pytanie czy sądy, postrzegane jako organizacje biurokratyczne, są gotowe do rozpoczęcia zmian organizacyjnych, którego celem jest stworzenie organizacji opartej na wiedzy.

Metodyka. Opierając się na podejściu studium przypadku, w artykule zostały zaprezentowane wyniki badania pilotażowego. W badaniu pilotażowym, w sześćdziesięciu wybranych sądach rejonowych, okręgowych i apelacyjnych, z pomocą ekspertów zewnętrznych, zostały wprowadzone "dobre praktyki" – ulepszenia w zarządzaniu. Ponadto, dokument przedstawia wyniki badań przeprowadzonych na kulturze organizacyjnej sądów w okręgu gdańskim, w oparciu o przykłady trzech sądów rejonowych i jednego sądu okręgowego.

Kluczowe wnioski. Wśród podstawowych metod badawczych zastosowanych w artykule można zaliczyć: studia literaturowe, analiza empiryczna z wykorzystaniem dostępnych badań wtórnych, jak również indywidualnie badania empiryczne, które zainicjowały dyskusję na temat pojęcia kultury organizacyjnej w sądach oraz umożliwiły podjęcie próby udzieleni odpowiedzi na następujące pytania: (a) Czy sądy są gotowe zaakceptować zmiany w ich zarządzaniu; (b) Czy kultura organizacyjna w sądach objętych badaniem pełniła istotną rolę o wyborze realizowanych praktyk; (c) Czy kultura organizacyjna w sądach leży u podstaw budowania organizacji opartej na wiedzy; oraz (d) Czy istnieje możliwość dzielenia się wiedzą wśród sądów objętych badaniami. Wyniki badań dowodzą, że kultura organizacyjna sądów determinuje możliwość realizacji praktyk zarządczych mających na celu kształtowanie organizacji opartej na wiedzy.

Słowa kluczowe: benchmarking, zarządzanie w sądach, zarządzanie wiedzą, kultura organizacyjna, zmiana.

