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Responsible Court in the Global World – Managerism or Managerialism

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Abstract: *One can look at the improvement of the effectiveness and efficiency of the justice system from three perspectives: macro, mezo, and micro. After all, the general goal is to enhance the effectiveness and efficiency of the justice system as a whole (the macro perspective), the courts (the mezo scale), and court proceedings (the micro scale). The need to improve the effectiveness and efficiency of the*

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justice system was noticed in the Strategy of modernization of justice in Poland in the years 2014–2020¹ prepared by the Ministry of Justice incorporates the three abovementioned perspectives. From the perspective of this paper, emphasis has been placed on courts. The Strategy, as a matter of fact, assumes that the improvement of the effectiveness and efficiency of courts may occur by introducing a model of management² based on the idea of “managerialism” to run them.³ Effective and efficient courts, just like the proceedings they operate, are particularly important in the face of globalization, regulatory arbitration, as well as forum shopping.

Based on a case study, this paper outlines the results of an innovative pilot project of implementing management methods of running common courts⁴, and sets out to answer the question of the extent to which the state of institutional development of courts allows one to employ good practices in courts already successful in the world of business.

During the pilot study, in 60 selected regional, district, and appellate courts, with the support of external experts, „good practices” were implemented to serve as management enhancements (Final report..., 2014..

The results of the pilot study prove that the level of institutional development of courts determines the possibility of introducing good management practices that have already been approved in the world of business. This situation is further complicated by the diverse level of institutional development among courts. The type of a given court (its size, regional, district, appellate) may impact the possible upgrade of the maturity of the way a given practice functions.

Also, not all business practices are eligible for implementation, given the different level of managers’ competence, as well as the frequently clear process of taking on the management staff.

¹ *Strategy of modernization of justice in Poland in the years 2014–2020*, unpublished.

² Managerialistic model – the model of management relating to the concept of New Public Management, which enhances the essence of economic aspects spending public Money with simultaneous concentration on the improvement of the quality of public services and the efficiency of the public sector.

³ Managerialism in the economic approach means the application of management techniques and strategies in business. This approach is closely related to setting goals in business. To obtain unbelievable levels of capital and production business in the capitalist economy requires bonding it with the strategic plan and being mindful of the implementation of defined goals in life, which are then analyzed strategically ST a lower hierarchy level in the same organizational structure to achieve pre-defined goals and create new bottom-up goals.

Managerism – inappropriate form of corporate governance and corporate culture, The characteristics are: avoiding liability, excessive expansion, rise orientation, profit maximalization, short-term investments, rat race, lack of long-term strategy.

⁴ The co-author participates in the pilot Project of the implementation of innovative management methods of common courts representing the Regional Court in Gdańsk as its President.



Introduction

Over the last decade a significant change has taken place in the approach of the economists regarding the economic growth and development.

It is the time of clear interest in the influence of the institution upon the social and economic development in economics. A significant macroeconomic trend studying the methods has been established, called institutional economics. Among the academics specializing in the institutional economics there is a consensus on the considerable influence of so the called institutional matrix of the growth and of the whole economic life. Institutions should have the ability to adapt to the changing environment and solving problems. The effective institutional system is ready to react to all disturbances and adapt to the changes in the operational conditions.

It should be based on the coordination of formal⁵ and informal⁶ institutions and high quality of the execution of the law. The lack of complementarity between them is the reason of low efficiency of the institutions. The human capital is strongly related with the system of formal institutions (Kargul, 2012).

The certainty in business transactions directly depends on the quality and efficiency of the institutions of the justice system and disputes between contracting parties is a part of the certainty in business transactions. The role of the state is the assurance of efficient dispute resolution and carrying out execution proceedings. The commonly accepted form of dispute resolution is the court justice system. The economists studying the matters regarding the economic growth think that the vehicle of progress must be four-wheeled.

The factors of growth are: human resources, natural resources, capital and technological progress and innovations. And the technological progress regards not only novel products and processes but also the improvement of management quality. Meanwhile, the justice system is a bureaucratic institution aimed at the observance of rules, applying rigid and formalized procedures. There is a lack of flexibility in the adaptation to the changing socio-economic conditions. The justice system applying archaic management techniques and methods may also pose a significant risk to the development of the entrepreneurship. Meanwhile, the business has already made a stand on bureaucracy rejecting organizational patterns and replacing them with

⁵ Formal institutions – institutional environment (the legal system of a given country and manners of its execution: the law protecting ownership, etc.).

⁶ Informal institutions – social environment (customs, traditions, different form of manifestation of social capital: trust, contact networking, norms of behavior, cultural patterns, skills in solving common problems or the manners of conduct).



constantly changing constellations of teams, task groups and alliances aiming at unlocking the creativity of employees. The theory of organization and management are constantly changing, new concepts of management are being created to which the organizational structures are adapting. The innovative solutions concern among others: the creation of virtual organization and knowledge based organization. The globalization is the long lasting and spontaneous process of liberalization coupled with integration, previously existing separately to a large extent, of the markets of national economies into one internally sympathetic global market (Roubini & Mihm, 2011; Kołodko, 2013; Balcerowicz, 2012; Stiglitz, 2005, 2010; Rodrik, 2011; Tkaczyk, 2005; Szymański, 2011; Sadowski, 2010). The integration affects not only commodity markets, but also capital markets, including (in recent decades particularly intensively) very volatile financial capital (Kołodko, 2011). However, the globalization is economically and politically incomplete. The market mechanism and global market are more and more disengaging from border limitations and control and coordinating activities of the state. They are getting rid of the sovereign who has so far imposed red lines of activities. However, the development of the global market is not coupled with the process of shaping a new political structure which would enable the establishment of a new transnational coordinator (Szymański, 2011). The subject of intervention i.e. the state is weakening, which means subordinating itself to the volatile and transnational capital (Szablewski, 2010). Independent of the processes of globalization, Poland, becoming the member of the European Union, began the process of opening its “internal” borders pledging to apply four pieces of economic freedom: the free flow of goods, people (employees in particular), the right to run a business and render services as well as the free flow of capital and payments (Brodecki, 2003). Countries are competing between and among each other, creating innovative legal solutions able to attract investors.

The countries of the European Union are supporting the trends to modernize their justice system to adapt it to new tasks in the global economy. This process has also begun in Poland. However the question arises how efficient it is, and how it fits into the changing environment. The broadly understood competition (the regulatory arbitrage) boils down to the creation of formal and informal institutions favoring the entrepreneurship. In the present dynamic market economy, the legal system and flexible forms of reaction to every dispute including their solution are becoming more and more important. The flexibility may be created by the expedient “indefiniteness” of its created law (Szydło, 2013). It should be noted that the “indefiniteness” requires an efficient justice system and the ability to apply the construction of purpose i.e. such an interpretation where the law is applied



through the delivery of its social and economic purpose, which requires a different approach to the system of training for judges and prosecutors, and the creation of interdisciplinary educational programs which eliminate a mechanical approach to the application of law. The state should aim at creating competitive and innovative legal solutions sufficiently attractive to investors and simultaneously create an efficient justice system capable of applying it. One should refrain from copying legal solutions existing in other countries. The law should be created locally and based on practical experience, local knowledge and experimenting. Otherwise, we may face hybridization of legal solutions and incompatibility with local solutions. *Forum shopping* is a term deriving from the Anglo-Saxon system. The term means the behavior of the litigant aiming at the case to be heard by a particular court to achieve the most beneficial outcome. *Forum shopping* exists mostly in cross-border civil disputes.

The fundamental reasons why litigants are encouraged to fight for hearing the case by a court of a given country are:

- differences between and among individual countries in the norms of material law,
- different practice of courts in different countries in similar cases,
- the pace of proceedings,
- idiosyncrasies of hearing of evidence,
- legal regulations regarding the costs of proceedings,
- efficiency of courts and their experience in hearing cases of defined types,
- threatening criminal sanction (Sadowski, 2007).

The efficiency as the strategic direction was noticed in the process perspective (micro perspective) in *Strategy of modernization of the justice in Poland in the years 2014–2020*. By the improvement of efficiency at the micro level one should understand the focus on the improvement of quality of processes simultaneously respecting litigation guarantees and the assurance of appropriate efficiency of the litigation. The processes in understanding the strategic direction should be interpreted in the light of the definition taken from science, where the process is a sequence of logically ordered actions leading to a final effect in the end. It is worth noting that the efficiency outlined in *Strategy* is not the same as acceleration. According to the concept of *problem solving justice*, the actions must be efficient as a whole – the fast and non-formalized decision making which then may be appealed against in the long, multi-levelled appeal proceedings. The *Strategy* assumes that the efficiency of courts should ensue through the implementation of the managerial model of management. Various activities and projects introducing the managerial ordinance to institutions are present



in the justice environment. In the *Long-term strategy of the development of the country – Poland 2030*, the following goal was taken into consideration: the creation of an efficient country as a model of the performance of public administration which assumes the introduction of a new model of the management of courts. *The Strategy of development of the country 2020*, on the other hand, assumes, among others, the improvement of efficient of public institutions, the introduction of uniform e-gov rules in administration and the increase of the efficiency of the justice system. The efficiency of the operations of courts must not be imposed, as it requires bottom-up testing of solutions already effective in business. Good practices in management in the private sector require the adaptation to the needs of courts, their institutional maturity and competent managers. The innovative project – the pilot project of the implementation of innovative methods of the management of courts focuses on that issue.

The Pilot Project to Implement Innovative Methods of the Management of Common Courts

The National School for Judiciary and Public Prosecution within the Human Capital Operational Program co-financed by the funds from the European Social Fund delivered the project *PWP Education in time management and costs of court proceedings – case management* in the years 2011–2015. The aim of the pilot project of the introduction of innovative management methods was to increase the effectiveness, efficiency and efficacy. The pilot project was delivered in two groups of courts – in the basic pilot project (the selection made by the Ministry of Justice – top-down initiative) and supplementary pilot project (courts applied to participate in the project themselves – the bottom-up initiative). The goal was to be achieved through the delivery of modernizing programs enabling the adaptation the fashions of management deriving from business and administration management to fit the needs of the justice system. The good practices covered:

- communication
- team activity
- work organization
- competence of staff
- motivation of staff
- development of qualification of staff
- application of innovative technologies



The introduction of practices of the above mentioned areas was to contribute to particularly to optimize the time of work and court proceedings. The beneficiaries of the project were 3 appellate courts, 19 regional courts and 38 district courts. From 28 June 2013 to 31 October 2014 the project of the delivery of good practices was under way in the area defined in the agreed implementation programs. The pilot project included courts of different size:

- MA – Medium Appellate Court
- SA – Small Appellate Court
- SR – Small Regional Court
- MR – Medium Regional Court
- LR – Large Regional Court
- SD – Small District Court
- MD – Medium District Court
- LD – Large District Court

The size of the court was established basing on the following criteria: the number of cases, the number of adjudicators, number of departments and the number of staff. Due to the simplification and clear-cut nature taking into consideration the statistical distribution of the court count the size of the court was defined against the number of adjudicators making the following assumptions:

- up to 20 adjudicators – small court,
- from 21 to 80 – medium court,
- from 81 – large court.

In Table 1 below the number of courts participating in the pilot project in individual categories is presented.

Table 1. Number of courts in individual categories

	Small	Medium	Large
Appellate	0	3	0
Regional	2	12	6
District	8	25	5

Source: *The final report...* (2014).



In the pilot project the courts selected practices out of 24 good practices to be introduced. The good practices were divided into three groups by the merit area. The practices were divided into:

1. Information:
 - a) DP03 Electronic bench warrant,
 - DP04 IT internal communication tool,
 - DP05 Digital management of court case files,
 - DP17 IT system of ordering resources,
 - DP19 The control over the security of computer posts and computer devices,
 - DP20 Management of IT resources and services,
2. Human resources:
 - a) DP02 Change management in court,
 - DP07 The management of knowledge and competence of the staff,
 - DP08 Non-financial motivation instruments,
 - DP09 Standardization of manned posts,
 - DP10 Survey over the satisfaction of the court clerks,
 - DP11 Personal audit,
 - DP15 The management of the recruitment of staff and their adaptation,
 - DP18 The management of periodic staff assessment,
3. Organizational:
 - a) DP01 The management of tasks of judicial officers,
 - DP06 The analysis of performance in the adjudication division,
 - DP12 Participative model of court management,
 - DP13 The management of innovation of the staff,
 - DP14 The improvement of the adjudication support system,
 - DP16 The organization and operations of the Clients Service Office,
 - DP21 The improvement of the image of the court,
 - DP22 The court in social environment,
 - DP23 The organization of accountancy in the New Technologies environment,
 - DP24 The court as a self-learning institution.

Each of the good practices described in the implementation program for 60 pilot courts, improvement facilities were defined individually providing for the current level of maturity of the good practice and the facilities which allowed the achievement of the target level assumed by the court. With each of the abovementioned practices the following were defined and matched:

- the description of the practice,
- the level of maturity of courts coupled with the list of delivered improvements,



- information on the number of courts which selected individual types of improvements,
- list of all activities and products delivered by courts,
- list of all risks identified in courts.

Case Study

To map the course of the implementation of good practices, the case study method was used (Vissak, 2010; Matejun, 2012) as a qualitative analytical method. The following descriptive elements were considered important:

- the aim to introduce a good practice,
- the initial stage and project assumptions,
- the fundamental motives and needs of the implementation,
- the structure of personal involvement,
- the characteristics and course of project action taken,
- the final stage and forecast of the outcome of the change delivered (good practice).

The improvement of the image of the court – case study reporting the delivery of the good practice in the regional Court in Gdańsk

The image of the court as an institution of the public trust functioning in the justice system is a particularly important element contributing to the effective performance of statutory functions. In the respect of the image – the extent of the organization of the infrastructure of Polish public institutions is very diverse. The justice system is no different in this matter.

As the result of the asymmetric implementation of modernization in courts and the lack of image standardization at the national level – Polish courts manifest significant heterogeneous solutions in the organization of the esthetic areas, image, graphic and information policies. The concept of the esthetic useful floor area is aimed at laying down coherent and user-friendly image of the court through the management of such areas as:

- the visual identification of the court,
- the graphic support of the information system of the court (i.e. furniture and information signs and pro-image service of clients by the court staff),
- the esthetics of the functional areas in the courtroom space.

The aim of the introduction of the practice is the improvement of the image of the court in respect of the building of the institution, the immedi-



ate environment as well as the attitude and norms of the conduct of the staff. The practice may contribute to the improvement and the increase of the trust of the public to the court, the improvement of performance of the Customer Service Office and the improvement of general opinion on the court and its efficiency of performance as perceived by the local community. Taking into consideration the increasing expectations of the citizens to the standard of the functioning of public institutions and relatively low level of public trust to the justice system, one has to assume that the priority to take actions towards the improvement of broadly understood image of the courts in Poland is high.

The Regional Court in Gdańsk decided to take steps towards the improvement of the image of the court institution what manifests a good practice worth popularizing. The actions aimed at the improvement of the image of the court in the internal respect influence positively the staff employed – directly influence the feel-good and the atmosphere at work, stimulate the efficiency and increase the performance of work. It may be assumed that in the external aspect – the introduction of a good practice will influence positively the reputation of the court and the overall reception of the institution.

The assumption of the classification of the maturity covered by the Concept of good practice titled *The improvement of the image of the court* (Banasik, 2014) – the exit level of the effectiveness of the court to apply the procedure supporting the image has the indication of level III⁷.

As the effect of cataloguing of the image area accomplished together with the management of the court, the initial scope of improvement was agreed upon and later modified against the current needs and increasingly accumulated observations done during field visits. On the basis of the Expert's observations, the scope of potential areas to do the diagnosis as to the improvement of the court image was defined.

In the course of the delivery of the good practice the following actions were taken:

- the monitoring of the object, the analysis of conduct of people present in the courthouse,
- preparing the survey with the clients and Staff of the court,

⁷ Level III – the court runs the satisfaction survey on the Client Service. New information furniture is installed supporting the navigation around the building (maps and the structure of the organization). There is no color code of the ring-fenced areas. The periodical (or at least incidental) training of the security to give standardized information to clients about local navigation. The visual identification of the court (logos, graphic presentation of information materials and symbols) is standardized. There is no formal document defining the standards of visual esthetics of the building.



- preparing the report with recommended changes regarding the object and the conduct of people,
- the final version of the guidelines ready to be implemented.

It was agreed that after the completion of the establishment of the guidelines and the feedback of the observation of the object and the conduct of people working in the courthouse action aiming to improve the image of the court will be taken. The project study was delivered from 14 July to 16 October 2014. The project team of the regional Court in Gdańsk showed significant commitment in the process of the delivery of the good practice. It is worth noting that the improvement of the image of the court is the practice requiring long-term realization and adaptation in order to notice the noticeable change in the functioning of the good practice.

The conclusion of the analysis of the image and the guidelines regarding the further improvement in this area were passed on the management of the court.

The findings were considered accurate, and now it all depends on the decision and possibilities of the court at what level the implementation of the guidelines presented by the Expert will be possible. Steps to introduce fast improvement (e.g. updating and modification of information boards in the courthouse and the improvement of the image of the court staff). The survey on the satisfaction of the court staff is to be carried out together with the survey on the satisfaction of clients. However, due to the fact that in the Regional Court in Gdańsk the survey of the satisfaction of the court staff had begun before the introduction of the practice, the survey was completed during the implementation and the outcome report of the survey was prepared. The court decided that the survey will be repeated at a later date. The following measurement indicator was assumed: the level of the service satisfaction of clients.

The survey on the level of satisfaction of the court Staff. Due to the two surveys, it was possible to diagnose the areas allowing to increase the level of the satisfaction of the client and the employee, which will influence:

- streamlining the organization of the unit,
- creation of the correct image of the court,
- making the organizational structure more flexible,
- the opportunity to develop (relevant training),
- aiming to distribute work evenly,
- making the access to information readily available,
- the increase in the efficiency and the quality of work performer,
- the increase of the satisfaction of the court employees,
- the improvement of the working conditions,
- the study the needs of the employees.



The practice was introduced by 30 out of 30 courts of the supplementary pilot program. The practice was eligible for the courts in the supplementary pilot project.

The court in the social environment – the case study on introduction of the good practice in the Regional Court in Gdańsk

The aim of the practice is the active cooperation of the court with the environment (Banasik & Niestrój, 2014). The active stimulation of the court may contribute to the improvement and the increase of the trust of the society to the court, the improvement of the functioning of the Client Service Office and the improvement of the overall opinion of the court on its functioning in a given city. Taking into consideration the increasing demand of the citizens and their low level of trust to the system of justice, one must consider the improvement of the image of courts in Poland.

The Regional Court in Gdańsk made the first step towards formulating the definition of what may be a good practice worth following. The cooperation of the court with the environment has a positive impact on the staff employed in the court, because such an initiative may increase the attractiveness of the court to the graduates of among other universities. Through such initiatives on the employment market, the court will increase its attractiveness through the promotion of its activity aimed at young, ambitious and well-educated graduates.

Due to the lack of guidelines it was impossible to assess the maturity of the practice titled *The court in the social environment* at the exit level. As the result of the analysis of the area of the good practice with the management of the court, improvements were determined and their modification track was kept in order to contribute to the improvements in the court and improve its cooperation with the environment.

Basing on the observation of the Expert during the interview with the management and the court inspection, the range of potential areas to do the diagnosis regarding the cooperation of the court and the environment was discussed. The court in the social environment is a practice requiring the time of implementation in the long time horizon to assess the noticeable level of changes regarding both the activities undertaken in the courthouse and tangible effects in the external environment. The delivery started and was designed against the guidelines submitted to the management.

The final stage of implementation:

- the guidelines regarding the cooperation of the court and the environment were laid down,

- the list of proposals regarding the cooperation of the court with the environment coupled with the changes being able to influence the improvement of the court of the image was determined,
- the guidelines of implementation were laid down.

The activities of the court timing at the improvement of the image in cooperation of the court with the environment may increase the level of the satisfaction of the client and court staff and this in return will influence:

- streamlining the organization of the unit,
- creation of the correct image of the court,
- making the organizational structure more flexible,
- the opportunity to develop (relevant training),
- the increase of the interest in the court,
- the improvement of the opinion of the external environment on the court,
- the facilitation of the access to information,
- the increase of the efficiency and quality of the work performed,
- the increase of the satisfaction of the court staff.

The practice was chosen by 30 out of 30 courts of the pilot supplementary project. The practice was eligible for the court with the pilot supplementary project. Within the good practice, the court in the social environment the regional Court in Gdańsk, has become the integrator of the inter-corporate network⁸. The lawyers' associations have become the actors.

Due to the fact that the entities creating the network are not parent-type or subsidiary-type considering the goals, but on the contrary, there is tolerance, similarity, equivalence of goals, which may lead to the creation of the so called synergy of knowledge. The hidden knowledge is strengthened. The knowledge is converted into socialization, externalization, combination and internalization. The given inter-organizational network – territorial inter-corporate network meets the requirements for a public network. It constitutes a group of public organizations which are mutually interdependent, undertake decisions regarding joint activities on equal terms, where the network enables the interactions between and among partners and the exchange of resources allowing for the goals for the public interest to be achieved (Austen, 2014). The prevailing actors are: Regional Court in Gdańsk, District Chamber of Legal Advisors in Gdańsk, District bar Association in Gdańsk, Chamber of Court Executive Officers, Chamber of Notaries in Gdańsk, Pomerania Association of Receivers and Liquidators in Gdańsk and Gdańsk University. The network gathers the representatives of

⁸ The author of the article is the initiator of the inter-corporate network between the Regional Court in Gdańsk and public organizations gathering lawyers' associations.



associations of legal professions: attorneys, court executive officers, notaries, legal advisors, judges, receivers and academics represented by the staff of the Gdańsk University. The prevailing goal of the establishment of the inter-corporate network was⁹:

- the establishment of the forum of cooperation of the representatives of the legal profession,
- the reinforcement of the authority and the improvement of the social perception of the justice system,
- the creation of the platform to enable the exchange of the experience and presentation and then the discussion over the solutions proposed by individual professions,
- creation of social initiatives.

The existence of the inter-corporate network enabled the delivery of the following initiatives:

- Foundation of the Chapter House of Legal Professions within the Regional Court in Gdańsk to establish the platform of the exchange of knowledge and experience between and among legal professions and academic representatives.
- The foundation of the Program Council whose main role is the coordination and consolidation of the activities of courts (and other entities constituting the justice system which declared their commitment – prosecutors, attorneys, legal advisors and mediators), as well as educational entities to reach the schoolchildren with the law and legal knowledge. Within the already undertaken actions in each district court of the Gdańsk district one coordinator was assigned to be contacted by school representatives and agree on the participation of schoolchildren in court hearings or the invitation of a judge to meet with the schoolchildren in the premises of a school. The judges approved of this initiatives and many of them declared their personal commitment to participate in the educational activity. Basing on joint experience framework of the cooperation between courts and schools as well as the list of interesting issues which should be the focus during the meetings with the youth. Representatives of other legal professions are being employed. The aim of this initiative is to cover as many school as possible and transfer the knowledge of different professional angle.
- The management of the court undertook the action to interest the Tri-city legal department of universities to make a relevant educational offer

⁹ The Chapter House of Legal Professions and the Report of the meeting of the Chapter House of Legal Professions of 27 January 2015, <http://oirp.gda.pl/komunikaty> - accessed on 14.04.2015.



for teacher and the Center for Permanent teacher Training in Gdańsk offered its support. The Association of Polish Judges „Justitia” obtained several copies of the manual “Law over the counter” prepared by Silesian judges which introduces readers into the area of law in a friendly fashion. The Chapter House took a decision to purchase a few hundred copies of the manual to deliver them to schools.

- The open days for the junior high school and high school youth to shape the legal culture and the respect to law was the initiative of the Regional Court in Gdańsk. So far, 800 pupils from 15 schools have participated in the initiative. The growing popularity of this initiative encouraged the Court authorities to expand the formula to hold meetings four times in 2015. Wishing to know better the expectations of the teachers and the youth, in October 2014 during the debates on the relations of the judges and the socio- and institutional environment, the President of the Court held a panel “Building up the legal awareness of the youth” where the Tri-city directors of high schools, educators, mediators and the main stakeholders – schoolchildren.
- The Consultation Council was founded whose goal is to prepare the issues to be discussed between and among the representatives of the legal profession associations. The Council itself consists of the representatives of different organizations supporting and cooperating with the regional Court in Gdańsk (mediators, District Prison Service, witness experts, police, customs officers, social assistance centers).

The organization of the abovementioned social initiatives would be impossible without the cooperation of organizations being a part of the inter-corporate network. The presence in networks creates opportunities for organizations to increase the knowledge potential. Organizations working independently have lesser chances to accumulate knowledge and use it. The integrity and long-livedness of the created network may be provided by such mechanism as reciprocation, long-livedness and having contextual roots (Latusek, 2014; Czakon, 2007). The basic advantages of the integration of the organization in the inter-organizations – inter-corporate network are:

- the establishment of the relations capital – mutual cooperation, interdependence, the creation of the responsibility and integration processes in the justice system,
- the effective use of the knowledge – building the organization based on the knowledge,
- creating innovations.



Conclusions

Building up an efficient justice system at macro, mezzo and micro levels against the challenges of globalization, regulatory arbitrage and *forum shopping* phenomenon is becoming more and more significant. Countries compete between and among one another with efficient courts, hearing cases at reasonable dates. The necessity to lay down the concept of the court of the future – the court working efficiently was noticed in *Strategy of modernization of the justice in Poland in the years 2014–2020*. The possibility to introduce the managerial model of management to the court combined with the adaptation of good practices of business was verified in the course of the innovative pilot project to introduce innovative methods of management of common courts. The influence of the delivered good practices upon the efficiency of the court and cases heard requires evaluation. The implementation of the pilot program of the introduction of innovative methods of management of common courts showed organizational and staff potential to introduce good practices from the private sector to common courts independent of their size and type. Courts still possess huge resources, among others human ones, to improve the quality of management which can be used more effectively. This finding is particularly important because the spending on common courts is relatively high and is 0,5% GDP (*FOR report...*, 2015). In 2015 the expenditure of courts were PLN 6,693 million. Most of that amount – ca 5,862 million – is the current expenditure. 363 million is planned for property expenses i.e. the same amount as in the 2014 budget. The pilot project showed the diversification in the maturity within the same category. The selection of good practices and the level of their advancement was dependent on the competence of the management. The following stage of the modernization of common courts requires laying down the ultimate organization model of the justice system – the court of the future. The optimum model, due to the fact that the basis resource in the courts is the staff and the knowledge – of judges and the support staff, is the organization based on knowledge. The choice made by all pilot courts in the pilot supplementary project the practices: *The court as a self-learning institution* and *The court in the social environment* may indicate the potential to introduce such an organization. This finding needs further study. The organization based on the knowledge uses the creative potential of its workers and is established due to the need to adapt to the new environment through the increase of competences and the requirements of the staff and technological change. The introduction of the organization should be preceded by, among others, the study on the organizational culture in the courts. Identification of the existing culture and finding out



what type of culture is preferred by the employees are the fundamentals of susceptibility to change foreseen in the strategy of the organization (Chuda & Wyrwicka, 2013).

In an organization based on knowledge, the characteristics and at the same time the values of the organizational culture are: professionalism, creativity, innovation, independence of the members of the organization, the willingness to cooperate and to learn, customer care. The selection of this form of organization requires the adaptation of the competence of the managers. In the organization based on knowledge the manager is transformed from the manager delegating tasks and supervising his or her subordinates into a trainer, initiator of every change. Due to the challenges dictated by globalization, regulatory arbitrage and forum shopping the justice system faces:

- the selection of an optimum model of organization from the perspective of its mission,
- planning long-term, medium-term and short-term strategy to become the selected model of organization,
- working out optimum competence of the management,
- leveling the maturity of courts to provide service at the same level,
- the use of reliable organizational and technical solutions already used in the private sector for the benefit of the organization based on knowledge after having adapted them to the needs of the justice system,
- the identification of legal barriers to introduce the organization based on knowledge.

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