



The Courts' Public Image – The Desired Direction of Change

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Abstract:

This paper proposes to scientifically explore notions of court identity, principles of shaping a court system's image, and best practices in positive court image development relating to the courts in Poland. It discusses the roles and responsibilities of inter-organizational networks in harmonizing diverse efforts to build a more positive court image. It presents the results of a pilot project on court image development that considered the level of "maturity of courts" or how much forward progress various courts have made toward achieving an enhanced court image. The paper uses several methods of scientific exploration including scholarly research to collect information about court image; empirical analysis of such research; personal examinations and observations of courts; and when best practices have been implemented in Polish courts, case studies to determine whether improved court images result from those practices.

Keywords: Court Administration; Quality Management; Poland; Court Management; Organization Development

1. Introduction

Poland's economic, social and political transformations began in the 1980s after the decline of socialism. Its economic transformation created a free market economy based on private ownership. Its social transformation was characterized by a societal mentality that involves accepting new rules of the game. Poland's political transformation featured the introduction of democratic principles, institutions and procedures, and for the courts that meant practicing judicial independence from other branches of government.

The introduction of the notion of judicial independence, however, was not undergirded by corresponding discussions about modernizing court management procedures. Accordingly, to date, Poland has no agreed-upon pattern or exemplar for managing a judicial system, or even a single court, in a democratic system. In the absence of such a model to emulate, the courts have been applying methods and techniques from the previous non-democratic system. The Polish court system consists of 318 district courts, 45 regional courts and 11 appellate courts. District court decisions can be appealed to the regional courts, and regional court decisions can be appealed to the appellate courts. Approximately 10,000 judges and 45,000 support staff work in the courts. The Polish courts together form a formidable organization still based in many ways on a classic socialist model of bureaucratic administration.

To say that the Polish justice system suffers an image crisis, however, might seem peculiar because the European Commission has positively assessed the efficiency of Polish courts when compared to other court systems in the European Union. The European Commission, has ranked the Polish courts as the fifth most efficient in reaching judgments in civil and commercial cases, and the third most efficient in rendering administrative judgments.² Within Poland, however, the Polish courts are perceived much differently, as inefficient, non-transparent and non-flexible institutions. Accordingly, the Polish courts suffer an image crisis.

The reason for this incongruity is twofold. In Poland, there has been no plan or policy created to take into consideration the change from a socialist system to a democratic one, and to guide decision-making relating to court operations. As a result, there has been no corresponding court personnel trained and tasked to ensure that such plan or policy is carried out. Although Polish jurisprudence, its law and legal philosophy, clearly impacts the courts and their image, the courts

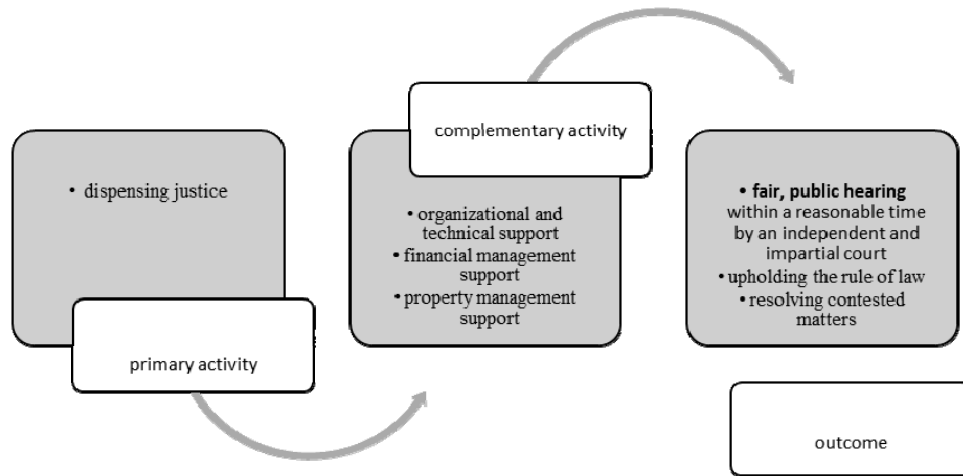
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² Communication of the European Union, 2013.

need go beyond judicial competency. The court needs competently trained court personnel who help the judges to define the court and its societal role. See Figure 1.

Figure 1. The aim of the court system and the areas of the primary and complementary activities.



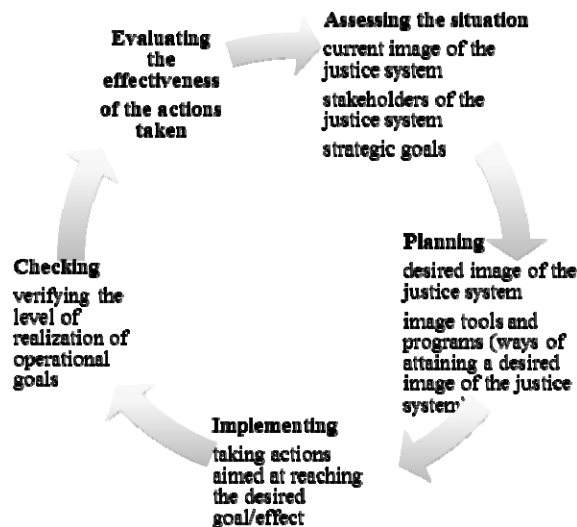
To date, the court system has not developed those principles needed to improve its image either at the macro level, concerning the courts nationwide, or at the micro level, concerning an individual court.

The experience of the private sector has been instructive in this area. Until now, the problem of court system image has not been the subject of a scientific study whose findings are formally published in a professional journal. This article attempts to fill that void. It is the first attempt to create the foundation of an image policy for the courts in Poland. The paper's value is enhanced by the inclusion of data from a bottom-up initiative within the Polish courts.

2. Shaping the Public Image of Courts: Project Design

The process of shaping the public image of courts involves five key actions: assessing the need for any changes, planning, implementing needed changes, checking whether improvement is coming about, and evaluating the effectiveness of the changes implemented. These actions form a progressive elliptical process whereby the result of evaluating the effectiveness of the changes might again lead to the assessment of the need for any new changes, then to additional planning, and then to implementing the needed new changes as planned. See Figure 2.

Figure 2. Shaping the public image of the court system



Source: P. Banasik, K. Majchrzak [w:] red. E. Magier-Łakomy, Potencjał kulturowy i społeczny oraz zasoby ludzkie w procesach zarządzania, Prace Naukowe Wyższej Szkoły Bankowej w Gdańsku t. 41/2015, pp. 177-195.

The assessment consists of a preliminary examination of the current image of the courts; identifying the stakeholders and their attitudes and opinions; as well as, the various organizations that constitute the court system and their individual impacts. The *Strategy of the Justice System for the Years 2014-2020* is a binding document that sets forth the strategic goals of the Polish courts. It also informs the assessment process.

Image analysis is best undertaken on the basis of research. As to the stakeholders, one has to answer the questions of who they are and what impact they have or may have on court functioning. In prior research, several criteria was developed to systematize the stakeholders of an organization.³

Table 1, attached, classifies stakeholders according to the following criteria: economic transaction, relation character, positioning against the organization, and risk. In the case of a businessperson, the relations are voluntary. A court has a legally defined structure, competences, manner of action and positioning against other bodies and entities that narrows the margin of discretion to select stakeholders. This results in many complications. Co-participating stakeholders, who participate in the creation of the court through their work, knowledge and competences, comprise the President or Court Director, the Adjudicators, and the Court Clerks. Contract-based stakeholders are those who litigate contracts in court. Those litigating parties are often public and private organizations.

Context-related stakeholders play a fundamental role in the creation of the best image and take care of the common welfare. They include other courts, prosecution, jail service, the National School of Judiciary and Prosecution, Ministry of Justice, lawyers' self-governing bodies, journalists, local communities, non-governmental institutions, professional organizations, state institutions, public institutions and citizens.

Market stakeholders are natural or legal persons who conclude agreements with the court, thereby relations between the stakeholders and the court are formal. Non-market stakeholders are persons or groups of persons who are capable of influencing and being influenced by the court. They do not make transactions with the court. They are not indispensable to court functioning. However, they may affect the court indirectly.

Internal stakeholders control the activity of the court due to the positions they occupy. External stakeholders on the other hand are interested in the activity of the court. Voluntary stakeholders bear the risk of investing their capital in the organization and obligatory stakeholders bear the risk of the effect of the activities of the organization. The specificity of the justice system – a public organization is expressed by the number of context stakeholders. Their level of influence is different. It seems, however, that adjudicators, court clerks and court clients are key stakeholders.

A survey of court personnel and users' levels of satisfaction is the first step to considering their expectations in the decision-making process. Through strategic planning, a formalized decision-making process, the desired image of the court system is worked out in great detail, specifying the ways in which the desired image is to be attained. In practice, strategic planning generally begins with an in-depth analysis of the strategic goals of the organization articulated in its mission statement, and thus the key elements of such mission statement would in turn form the basis of any image creation plan. Thereafter, actions are undertaken to facilitate the attainment of the desired image.

Planning might include program development in which key attributes deemed desirable by the organization would be conceptualized. It might also involve budget estimation. The public image goal might therefore align with impartiality, efficiency, openness, public accessibility and greater independence from improper influence.

Upon completion of the strategic planning stage, the next step is realization, taking action to bring the desired court image into existence. Importantly, before beginning this stage, it is essential to specify whose responsibility it will be to take each action, and how each action will be checked. The last stage of the process of shaping the public image of the court system is the evaluation stage, determining whether each action effectively resulted in an improved court image.

Effective realization of court system image creation results in a court system with an enhanced reputation⁴, since the court system's reputation is the accumulation of impressions formed internally, externally by the public, or by those responsible

³ A. Jabłoński (2013), *Modele zrównoważonego biznesu*, Difin, Warszawa., p.191, A. Paliwoda-Matiolańska A. (2009), *Odpowiedzialność społeczna w procesie zarządzania przedsiębiorstwem*, Wydawnictwo C.H. Beck, Warszawa., p. 59, S. Morawska & P. Roszkowska(2011), *Interesariusze w procesie upadłości przedsiębiorcy*, *Kwartalnik Nauk o Przedsiębiorstwie* Nr 2., pp. 49-58, P. Roszkowska (2011), *Rewolucja w raportowaniu biznesowym. Interesariusze, konkurencyjność, społeczna odpowiedzialność*, Difin, Warszawa, p. 54].

⁴ Banasik P. (2014 a), *Kadra zarządzająca a zaufanie do wymiaru sprawiedliwości*, *Kwartalnik Kolegium Nauk o Przedsiębiorstwie* Nr 4(33), p. 26.

for budgeting and finance.⁵ When the court image harmonizes all of these impressions, the result will be a general societal view that better comprehends the court's role, its operation, and even its case judgments.

3. The Pilot Project

A pilot project was undertaken to implement best practices in improving court image through improved aesthetics and courthouse orientation. Although still adhering to the formality, orderliness and decorum of a court, such improvements are important. They help to create a more user-friendly institution, in which lighting, signage, and other aids assist courthouse users to swiftly find the correct courtrooms and effectively avail themselves of other desired court services. The pilot project was successful thanks to the commitment of the courts. Private enterprise experts were asked to share their best practices in workplace image development with the courts. Some of the identified techniques have been adopted from private enterprises in other countries. Private sector and public administration image development techniques have been the focus of academic centers since the 1980s because of their potential applicability to the courts.⁶

From 2011 to 2015, Human Capital, a program co-financed by the European Social Fund and Poland's National School of the Judiciary and the Prosecution, was in charge of a pilot project on implementing modern management methods in courts to increase court efficiency. The pilot project included two groups of courts. The Polish Ministry of Justice selected the first group of courts as a part of a top-down initiative. The other group of courts was composed of courts that volunteered to participate as a part of a bottom-up initiative. Each group of courts implemented a variety of modernization techniques and practices adopted from private enterprise that related to:

- communication,
- team-based activities,
- organization of work,
- increasing staff competencies,
- employee incentives,
- staffing level increases, and/or
- technological updates.

The project ran from June 28, 2013 to October 31, 2014. The project participants were three courts of appeal, 19 district courts, and 38 local courts. The participating courts varied in the number of divisions, cases pending, active judges, and other court staff. Participating courts of 20 judges or less, were considered to be small courts. Courts of judges numbering between 21 and 80 were considered mid-sized courts. Courts of more than 81 judges were considered large courts. The courts selected the practices to be implemented from a list that included the following management techniques:

- Inmate databases,
- Court file databases,
- Judicial assignments,
- Electronic court-reporting,
- Court computer updates,
- Information management and cyber-security,
- Examination of court employees' satisfaction levels,
- Staff audits,
- Hiring and personnel practices,
- Performance evaluation for court personnel,
- Financial databases and electronic accounting.

For each selected practice, further definition was provided. For example, there was a description of the practice, the level of improvements of each court, along with a list of the improvements implemented. There was information about the number of courts that chose each practice. Each action taken and product delivered to the court was juxtaposed to the possible risk identified in the courts.

⁵ Banasik P.(2014 b), Nowe kierunki w zarządzaniu wymiarem sprawiedliwości, OW SGH, Warszawa, p. 102

⁶ The experience of pilot courts is presented in: Organizational culture and change management in courts based on the examples of the Gdańsk area courts, International Journal of Contemporary Management no 14 (2)/2015 pp. 33-50 by P. Banasik, J.Brdulak.

4. Standards for Assessing the Public Image of the Courts

The public has been demanding that Poland's governmental institutions become more efficient. Its trust in the court system is relatively low. Because of this, enhancing the courts' public image is becoming a greater priority.⁷ Because Polish courts lack uniformity in physical layout and design, there is room for improvement in the beautification of the common areas, and in developing user-friendly signs and displays with improved graphics. For the best practice relating to user-friendly design, it is possible to distinguish five levels of improvement, as outlined in the table below.

Table 2. The level of improvement manifested by a court in its actions to enhance its image.

Level of improvement	Description
Level One:	The court does not survey the public's satisfaction levels. No maps or charts have been installed for navigation around the courthouse. There is no color-coded system relating to zones operating inside the courthouse. There is no periodic training on public information for court personnel. The court's logos, graphic presentation of information, and symbols <u>are not</u> standardised. The court <u>does not have</u> a formalized document defining the aesthetic standards of its public image.
Level Two:	The court surveys public satisfaction with the level of service provided. Maps and charts have been installed, along with information supporting navigation around the courthouse. There is no color-coding of zones inside the courthouse. There is no periodic training for court personnel on the standards of providing information connected to local navigation. The court's logos, graphic presentation of information materials and symbols <u>are not</u> standardized. The court <u>does not have</u> a formalized document defining the aesthetic standards of its public image.
Level Three:	The court surveys public satisfaction with the level of service provided. Maps and charts have been installed, along with information supporting navigation around the courthouse. There is no color-coding of zones inside the courthouse. There is periodic training for court personnel on the standards of providing information connected to local navigation. The court's logos, graphic presentation of information materials and symbols <u>are</u> standardized. The court <u>does not have</u> a formalized document defining the aesthetic standards of its public image.
Level Four:	The court surveys public satisfaction with the level of service provided. Maps and charts have been installed, along with information supporting navigation around the courthouse. There is no color-coding of zones inside the courthouse. There is periodic training for court personnel on the standards of providing information connected to local navigation. The court's logos, graphic presentation of information materials and symbols <u>are</u> standardized. The court <u>has</u> a formalized document defining the aesthetic standards of its public image.
Level Five:	The court surveys public satisfaction with the level of service provided. Maps and charts have been installed, along with information supporting navigation around the courthouse. There exists a color-coded system of zones inside the courthouse. There is periodic training for court personnel on the standards of providing information connected to local navigation. The court's logos, graphic presentation of information materials and symbols <u>are</u> standardized. The court <u>has</u> a formalized document defining the aesthetic standards of its public image.

Excerpted with edits from: P. Banasik, J. Niestrój (2014), *Koncepcja dobrej praktyki Poprawa wizerunku sądu opracowana w ramach wdrożenia pilotażu dobrego zarządzania jednostkami wymiaru sprawiedliwości w ramach Projektu PWP Edukacja w dziedzinie zarządzania czasem i kosztami postępowań sądowych – case management Programu Operacyjnego Kapitał Ludzki dla Krajowej Szkoły Sądownictwa i Prokuratury*, Warszawa, niepul.

⁷ The Final Report of the General Poll. The Public Image of the Justice System, 2011.



The ideal state is that which most closely resembles Level Five. It is the direction in which the courts that have chosen image creation as a goal will be heading.

5. Pilot Project at the Gdańsk Regional Court and at Other Participating Courts

At the commencement of the Gdansk Regional Court's pilot project, the court was at Level Three, as shown on the table above (cf. Table 1). After the initial court image assessment, the court appointed a team to launch best practices developed in consultation with a panel of external experts. The following actions were taken:

- observation of courthouse users,
- interviews with the courthouse users and court personnel,
- preparation of a report and recommendations,
- guidelines drafted for an implementation plan.

The project tasks were carried out from July 14 to October 16, 2014. Over time, it was possible to assess discernible change in the level of court functioning. During the implementation the following were drafted:

- guidelines on court image improvement,
- guidelines on court personnel image,
- a list of minor changes potentially influencing the improvement of the court's image.

A questionnaire was used to survey court user and court personnel satisfaction inside the courthouse. Each time a court service was provided, a court user satisfaction evaluation was conducted. Court personnel are now asked to take part in annual surveys. However, given that in the Gdańsk Regional Court such surveys had begun prior to the pilot's launch, they were completed during the launch and the findings were explained in a report of the survey. Surveying court user and court personnel satisfaction may have advantages other than improving court image, such as increasing information that will improve organizational efficiency, organizational structure, range of training opportunities, workload balancing, and increased public access to court information.

The goal of improving court image also encompassed voluntary court networks. The Gdansk Regional Court pioneered the territorial inter-corporational network, an association of some 60 courts and their representatives. The network representatives were attorneys, legal advisors, notaries, judges, court administrators, and law faculty of the University of Gdańsk.

The key goals of setting up such an inter-corporational network⁸:

- to establish a forum of cooperation for representatives of diverse legal backgrounds,
- to enhance the authority and to improve the social image of the court system,
- to create a platform for the exchange of experiences and discussion of the solutions put forward by the individual professional bodies,
- to boost social initiative amongst law professionals.

The goal of improving court image was adopted for implementation exclusively for the courts covered by the supplementary pilot study. It was selected and launched in 24 out of 30 courts. These courts expressed great interest in using this to improve their public image. Part of the courts, 17 courts, have implemented court image improvements according to the Gdańsk Regional Court model. The remaining seven courts modified the model to fit their needs.

6. Concluding Summary

In summary, the Polish court system appeared to lack an integrated approach to shaping its image both at the macro and micro levels. Shaping the public image of the court system includes assessment, planning, implementation, checking, and evaluation of the effectiveness of the actions taken. It has been initiated in the courts successfully through a pilot project that selected the goal of improving court image for implementation. At present, this process is being implemented. The best practices rely on the experience gained from private enterprise.

⁸ The Chapter of Legal Professions, and the report of the meeting of the Chapter, which took place on 27 January 2015. For further reference, see: <http://oirp.gda.pl/komunikaty> accessed on 14 March 2015.

The 24 courts covered by the pilot study decided to launch the best practices for improving the public image of the court. The level of maturity manifested by the courts that agreed to launch the practice was qualified as Level One (cf. Table 1 below). The majority of the courts that implemented the practice according to the Gdańsk Regional Court model moved on to Levels Two or Three. The Gdańsk Regional Court reached Level Four.

The pilot project demonstrated that the courts themselves would undertake actions to improve their images. It promoted innovation and provided for the needs of the local community. There are two methods of harmonizing court image throughout the Polish courts. First, lessons learned may be informally transferred through the public court networks.⁹ Second, image-based practices may be imposed by the Ministry of Justice on a top-down basis. Usually, bottom-up initiatives are implemented more quickly; their only limitations being financial. Top-down implementation presupposes easier access to financial resources. Also, it promotes a uniform perception of the courts as a whole, rather than as separate disparate units.

The pilot project was successful due to a significant commitment on the part of the courts and external business experts who identified best practices usable in courts. The realization of the pilot project has proved that courts have great potential to implement innovative management and organizational solutions. The adaptation of solutions from the private sector and public administration required a significant commitment from the courts. It was necessary to amend private sector practices to meet the needs of the court system. In so doing, the significantly helpful role of standardization played by the voluntary public networks was magnified. Poland still lacks an integrated approach to shaping the court system, meaning that as part of the bottom-up initiative, good image-based practices are launched in individual courts. The role of the voluntary court networks, and through them the standardization and transfer of best practices, is paramount from the point of view of the court system as a whole.

Shaping the public image of the court system requires committed follow-up actions. The implementation of best practices requires evaluating the efficiency of the actions taken and monitoring the progress made. During the implementation stage, the following measuring indices were employed: surveying the court users' level of satisfaction with the quality of service, as well as the satisfaction level of court personnel.

Further areas of related research would explore more deeply how image-based practices are utilized in small, mid-sized and large courts; and the role of voluntary court networks in transferring and standardizing image-related practices. The pilot project has revealed that there is a potential for reorienting court functions from a quasi-internal system into a quasi-external system. One might ask whether it be possible to initiate crowdsourcing in the courts, obtaining innovative ideas from a large and sometimes online community, as a technique for improving court image. One might further query whether the entire organization of the courts is ready for a transformation towards an open system; one that allows for the creation of values crucial for all the stakeholders.

⁹P. Banasik, (2015), Sieciowy transfer wiedzy w organizacji wymiaru sprawiedliwości, w Budowa wartości wymiaru sprawiedliwości. Wymiar prawny, zarządczy i ekonomiczny, red. P. Banasik, Wydawnictwo Kowalewski&Wolf, Gdańsk, pp.56-64.

Table 1. The Criteria to Systematize the Stakeholders of a Single Court and its Statutory Activities

Stakeholders' group	Criterion			
	Economic transactions	Relations character	Positioning against the organization/ type of relations	Risk
	Types of stakeholders			
Other courts	Non-market	Context-related	External (direct or indirect relations depending on the hierarchic position)	Voluntary or obligatory
President of Court	Non-market	Co-participating	Internal	Voluntary
Director of Court	Market	Co-participating	Internal	Voluntary
Adjudicators and court clerks	Market	Co-participating	Internal	Voluntary
Prosecution	Non-market	Context-related	External (indirect relations)	Obligatory
Jail service	Non-market	Context-related	External (indirect relations)	Obligatory
National School of Judiciary and Prosecution (NSJP)	Non-market	Context-related	External (indirect relations)	Obligatory
Ministry of Justice	Non-market	Context-related	External (direct or indirect relation)	Obligatory
State institutions	Non-market	Context-related	External (indirect relations)	Obligatory and voluntary
Public institutions	Market	Context-related	External (indirect relations)	Voluntary
Lawyers' corporations	Non-market	Context-related	External (indirect relations)	Voluntary
Professional organization	Non-market	Context-related	Internal (indirect or direct relations)	Obligatory and voluntary
Non-governmental organization (NGO)	Non-market	Context-related	External (indirect relations)	Obligatory or voluntary
Stakeholders	Market	Contract-based	External (indirect relations)	Voluntary
Private and public organizations	Market	Contract-based	External (indirect relation)	Voluntary
Journalists	Non-market	Context-related	External (indirect relations)	Voluntary
Local communities	Non-market	Context-related	External (indirect relations)	Obligatory
Citizens	Non-market	Context-related	External (indirect relations)	Obligatory

Source: own elaboration based on Szczepańska K., *Związki podejścia do zarządzania jakością z teorią interesariuszy*, Prace Naukowe Uniwersytetu we Wrocławiu No 376 of 2015

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Komunikat Komisji z dnia 27 marca 2013 r. do Parlamentu Europejskiego, Rady, Europejskiego Banku Centralnego, Komitetu Ekonomiczno-Społecznego i Komitetu Regionów, Unijna tablica wyników wymiaru sprawiedliwości. Narzędzie wspierania skutecznego wymiaru sprawiedliwości i wzrostu gospodarczego, Komisja Europejska, Bruksela.

