



AEQUITAS NEWSLETTER (Nr 9)

July 12, 2025

TRAGIC STAFFING SITUATION IN THE COURTS – TRAGIC LIFE SITUATION OF CANDIDATES FOR ASSISTANT JUDICIAL JUDGES

Currently, approximately one thousand judicial positions (both judges and assessors) remain unfilled in the courts, which clearly translates into longer court proceedings and a huge backlog of cases.

In April, trainees from the National School of Judiciary and Public Prosecution passed the judicial exam. They have not yet taken up positions as assessors, although they remain fully prepared to work.

The situation of KSSiP graduates is completely incomprehensible and should never have occurred. These individuals spent years deepening their legal knowledge, passed one of the most demanding professional exams – the judicial exam – and as of June 1st, they are no longer eligible for a stipend. As of July 1st, they are no longer covered by health insurance and have been forced to register with employment offices as unemployed. Furthermore, KSSiP graduates have no information on when their appointments will be possible or the reasons for this situation.

If those responsible for the justice system do not finally understand the dire situation it is in and do not begin to take steps to fill judicial positions, we should not be surprised if law graduates stop applying for judicial training in the future. It is difficult to expect that well-educated individuals, perfectly prepared for work in the courts, which sorely need them, will register with employment offices after passing the judicial exam and join the ranks of unemployed Poles.

<https://www.prawo.pl/prawnicy-sady/aplikanci-czekaja-na-nominacje-na-stanowiska-asesorskie,533725.html>

ANOTHER STATEMENT BY THE HUMAN RIGHTS OFFICER ABOUT THE SITUATION IN THE JUSTICE SYSTEM – THE JUDGMENTS OF THE EUROPEAN COURTS HAVE NOT BLASTED THE APPOINTMENTS OF JUDGES

Prof. Marcin Wiącek, the Commissioner for Human Rights, in an interview with "Dziennik Gazeta Prawna" reiterated that no judgments of the ECtHR or the CJEU have legally invalidated judicial appointments since 2018. The assertion that the Chamber of Extraordinary Control and Public Affairs of the Supreme Court "does not exist" or that a ruling issued by this Chamber "does not exist" is inconsistent with the principles of legal interpretation. According to the Commissioner, rulings issued by the Chamber "enter the legal system and produce legal effects."

Prof. Marcin Wiącek also reiterated that there are no regulations authorizing the Prime Minister to "assess the legality or validity of rulings referred by the President of the Constitutional Tribunal for publication in the Journal of Laws." (...) "it's not the case that judgments issued by so-called understudy

judges don't exist at all and can be freely ignored. Just because something is flawed doesn't mean it has no legal consequences. Moreover, the Constitutional Tribunal has issued many judgments composed of judges whose status raises no doubts, and these judgments are also not published."

It is the duty of all public institutions to ensure the so-called continuity of state organs. A constitutional state organ cannot be allowed to cease functioning. Therefore, the Sejm should take steps to ensure the Constitutional Tribunal's continued functioning.

<https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/9835228,rpo-wyroki-europejskich-trybunalow-nie-unicestwily-powolan-sedziow-w.html>