



AEQUITAS NEWSLETTER Nr 14

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REDISTRIBUTION OF JUDGES OF THE COMMERCIAL DIVISION OF THE DISTRICT COURT IN RZESZÓW

On July 1, 2025, a section was established in the District Court in Rzeszów to hear cases submitted to the 6th Commercial Division in the first instance, where judges nominated since 2018 were assigned to adjudicate. Judges nominated before 2018 were assigned to the second instance. Furthermore, the judges transferred to the section were deprived of the statutory possibility of filing appeals to the National Council of the Judiciary, as they were not forwarded to the Council.

Such practices – previously used in the Court of Appeal in Warsaw and the District Court in Warsaw – have no legal basis and are, moreover, contrary to the case law of the ECtHR and the CJEU, which do not question the status of judges nominated since 2018. **It should be emphasized that they constitute a clear example of discrimination in employment due to the date of obtaining the nomination to a higher court.**

Moreover, practices consisting in removing experienced judges from adjudicating in the second instance and replacing them with less experienced judges cannot contribute to improving the situation of citizens who are guaranteed the right to have their case heard without undue delay and within a reasonable time by Article 45 paragraph 1 of the Constitution of the Republic of Poland and Article 6 paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

<https://niezalezna.pl/polska/w-rzeszowie-zrobili-to-samo-co-w-warszawie-prezesi-z-iustitii-stworzyli-specjalna-sekcje-dla-sedziow/549924>

DRAFT REGULATION AMENDING THE REGULATION ON FUNCTIONING OF COMMON COURTS

The Ministry of Justice has submitted for consultation a draft Regulation of August 14, 2025, amending the Regulation – Rules of Procedure for Common Courts. **The changes will, among other things, affect the random case allocation system.**

Let us note the idea that in cases with a three-person panel, only one judge – the reporting judge – would be drawn, while the remaining judges would be assigned to the case by the head of the department. The rationale behind the bill is the greater flexibility of this solution, which gives the head of a division the ability to appoint judges even from among those judges whose

division of duties does not involve adjudicating in cases of a given type. The president of the court, however, would have the ability to appoint a judge from another division to hear a specific case. **Let us recall, however, that the system of random assignment of cases was primarily intended to provide citizens with certainty that their case would be handled by judges chosen by fate, not by a specific person, and to prevent manipulation of the composition of the court.**

The second questionable idea is the possibility of supplementing the new judge's report by assigning old cases from other judges, especially those in which no action has been taken for a year. As a reminder, the current rule is that a new judge in a department is assigned a new division with a number of cases corresponding to the average number of cases in the division assigned to judges in that department. This change will result in the judge presiding over cases they are unfamiliar with from the outset, and will only become involved in them during the course of the proceedings. This practice has historically been met with disapproval from citizens.

Moreover, the draft amendments promote the lack of action by judges in old cases, since such cases can be disposed of first. Therefore, judges who are more lazy and slow in taking up their duties will be rewarded for their slowness by being deprived of cases which they do not want to handle, even due to their level of complexity. **The pathological practice of unfairly burdening new judges – often inexperienced assessors – with cases that their older and more experienced colleagues do not want to handle will also return.**

The ministry's ideas must raise legitimate doubts about the purity of its intentions in any experienced and honest judge. How this will impact the efficiency of the proceedings is left to the readers' judgment.

https://x.com/OZS_Aequitas/status/1958954399436296687?t=blH3QduYYIczTe6LNsJFSQ&s=09321391 ROZP ZM regulamin urzędowania projekt i uzasadnienie 20250814 UZG.docx

MINISTRY OF JUSTICE REPRESENTATIVE AT THE NATIONAL COUNCIL OF THE JUDICIARY

On August 19, 2025, after working hours of the National Council of the Judiciary, an unusual situation occurred in its building, as the Director of the Department of Administrative Supervision at the Ministry of Justice, Dominik Czeszkiewicz, tried to get into the offices of disciplinary prosecutors, located in the building occupied by the National Council of the Judiciary. Due to the lack of access cards to the disciplinary spokespersons' offices, the ministry representative abandoned his intention.

This completely unprecedented behavior sparked controversy within the judicial community, and media reports included allusions to the widely known film "The Olsen Gang.".

<https://niezalezna.pl/polska/ludzie-zurka-w-siedzibie-krs-niewiarygodne-jak-dostali-sie-do-siedziby/550056>

THE METHODS OF ELECTING JUDGES – MEMBERS OF THE NATIONAL COUNCIL OF THE JUDICIARY – WERE TO BE DECIDED BY ACT, NOT THE CONSTITUTION

Since the public opinion still holds that judges to the National Council of the Judiciary should be elected exclusively by judges, let us return to the sources, namely the transcripts of the meetings of the Constitutional Committee of the National Assembly. This is interesting because **none of the surviving statements by committee members indicate the method of**

selecting judges to the National Council of the Judiciary. The members merely decided that, in addition to members of parliament and senators, the Council would also include judges, and the method of their election would be specified by act. Therefore, while it is possible to evaluate the current structure of the National Council of the Judiciary in one way or another and consider future changes, the accusation of its unconstitutionality is pure journalism, not based on any source.

https://bs.sejm.gov.pl/F?func=direct&doc_number=000007248&CON_LNG=POL&local_base=bis01

OBJECTION FROM THE JUDICIAL COMMUNITY TO THE INTENTION TO DISMISS THE PRESIDENT OF THE DISTRICT COURT IN MYSZKÓW

The boards of regional courts across the country decide on the Minister of Justice's intentions to dismiss subsequent court presidents and vice presidents. It is noteworthy that board decisions are increasingly often preceded by a hearing with the judges of the given court.

This week, the assembly of judges of the District Court in Myszków unanimously opposed the proposed dismissal of the president of that court.

We are awaiting the decision of the board of the District Court in Częstochowa.

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FURTHER REFUSAL OF APPEALS: THE PRESIDENT OF THE DISTRICT COURT IN ZAMOŚĆ, THE PRESIDENTS OF DISTRICT COURTS IN THE ZAMOŚĆ DISTRICT AND THE PRESIDENT OF THE DISTRICT COURT IN SZYDŁOWIEC

Similar decisions have already been made by judges from the courts in Radom and Zamość.

On August 22, 2025, the board of the District Court in Zamość issued a negative decision regarding the dismissal of the president of the District Court in Zamość and the presidents of several district courts within the jurisdiction of the District Court in Zamość.

Earlier, the board of the District Court in Radom unanimously rejected the dismissal of the president of the District Court in Szydłowiec.

<https://niezalezna.pl/polska/kolegium-sadu-w-radomiu-jednoglosnie-przeciwko-czystkom-zurka-odrzucono-wniosek-ms/550290>

<https://niezalezna.pl/polska/po-radomiu-czas-na-zamosc-kolegium-sadu-jednoglosnie-przeciwko-czystkom-zurka/550301>