

In 2011 The Supreme Court of the United States ruled the case *Brown v. Plata*, which subject was the overcrowding in California prisons and the systematic mistreatment of prisoners with serious medical and mental health conditions. The judicial opinion in this case can be distinguished by its one special aspect – three black and white photographs has been included in it. Two of them depict overcrowded rooms in two California prisons and the third photo presents two small wire-mesh cages in which prisoners during mental health crises were held. Justice Kennedy refers to a small extent to the attached by himself photos in the opinion. What is more, the judges who presented the dissent opinions in this case has not alluded to the photos at all. Therefore the use of these materials raises manifold of doubts. What was the purpose of inserting them into the opinion? Was it to illustrate the prisoners' dramatic situation, thereby to reinforce the strength of the judge's argument in this case? Is the origin of these photos the evidence material, and if the answer is affirmative, are they representative for others photos included in evidence material? Why are these photos black and white? Are the rooms depicted in them representative for all prisons covered by case? Why does the judge refer to photos attached by himself to a so small extent? Is the reason the conviction that their content is clear and they speak for themselves?

The case described above is an illustration of the problem undertaken in the project – the controversial practice of using various non-textual elements in judicial opinions. Judicial opinion, the document containing the sources and the reasons which justify decisions made in particular case, traditionally has almost exclusively textual character. However the matter of opinion form is open, because situations like described above in which judges decide to include photo, film, multimedia presentations or map starts to happen. The principal purpose of the project is to interpret this practice in the context of present cultural changes. Philosophers and social researchers diagnose that because of technological development, the significance of image as a tool of communication is increasing. It is forecasted that this tendency will also concern the judicial opinions. Photographs, films and multimedia presentations may be used by judged more and more frequently. However, today this phenomenon is relatively new, therefore not thoroughly developed. Moreover, the standards of using image in judicial opinions almost do not exist. In the contrast to this situation, the number of dilemmas which appear due to its presence is large. They pertain the issues of interpretation, persuasive role of image in argumentation or the origin of non-textual elements in judicial opinions, because in most cases it is evidence material however it happens that judges drag them off the Internet or create by themselves. Therefore, the planned research will comprise the elaboration of theoretical background of the practice of using non-textual elements in judicial opinions, the systematization of the knowledge of this matter, the analysis of various problems which it causes, and also the evaluation of this practice. The way to achieve this aim will be the literature analysis and interviews with judges. The final purpose of the project will be asserting – taking into consideration its positive and negative aspects – whether the phenomenon of using non-textual elements in judicial opinions can be accepted as valuable in some situations legal practice or rather should we postulate the return to full-textual formula of opinions. The answer to this question enables to include the project to the general debate concerning how should law look like in the future and to allows to take a stand on the matter whether law should be open to cultural changes.