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Linking political reform and judicial decisionmaking. A computational study of judicial resilience in Poland.

Abstract for the general public

This research project examines the impact of changes in Poland's justice system on court rulings. In 2018, reforms were introduced that raised concerns about excessive political influence over the judiciary. The study focuses on comparing the jurisprudence of judges appointed before and after the reform, as well as their views on proper adjudication, to determine if there are differences.

In the aspect studied, the reform resulted in changes to the Council of the Judiciary (KRS), an authority responsible, inter alia, with nominations of new justices and promoting them to higher posts. Currently, the majority of its members are appointed by the parliament and executive branch. As a result, the reform grants politicians indirect veto power over judicial appointments. This may influence judges' positions on many cases, because KRS may nominate as justices persons having particular views or approaches to judging. It also raises concerns about the potential chilling effect, where judges may fear not being promoted or facing disciplinary action if they issue politically unwanted judgments. This could result in judges being more aligned with political interests.

The research aims to analyze the characteristics of court decisions, justifications, and citations to other courts' verdicts and legal literature, as well as their views on methods of proper adjudication. In this way the project aims to understand the effects of increased political control over judicial nominations. By comparing the decisions and views of judges from different appointment periods (before 2018 and after 2018), the study seeks to identify systematic differences.

To this end the research project proposes a computer-assisted study of published court verdicts. It examines decision content, language used in justifications, and citation patterns with statistics and machine learning. Additionally, it confronts the findings with justices' views on proper adjudication obtained in in-depth interviews, aiming to capture their diversity.

The project assumes that the distribution of power in the KRS affects the observable characteristics of court jurisprudence only in some cases, particularly in the case of justices who advanced to higher posts after 2018 and in some decisions only. It thus postulates that court system is somewhat resilient to the political influence.

By investigating these hypotheses, the research aims to contribute to understanding the role of judicial independence in adjudication, particularly in light of the changes to the justice system in Poland since 2018. It seeks to shed light on any differences in judicial decision-making and provide insights into the consequences of political control over the judiciary.

The study will not deliver information about the characteristics of adjudication of individual justices and all processed data will be anonymized.