

# Poland Data Summary

## CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatanis | Data Collector: Stanislaw Burdziej

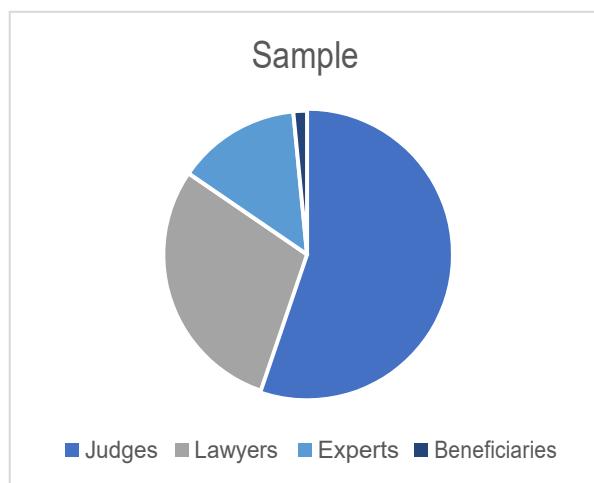
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## Qualities of Sample

There were 259 responses to the Poland survey, of which (55%, 143) were judges, (29%, 76) were lawyers, (14%, 36) were experts and (2%, 4) were beneficiaries.

| Respondent categories | %    | #   |
|-----------------------|------|-----|
| Judges                | 55%  | 143 |
| Lawyers               | 29%  | 76  |
| Experts               | 14%  | 36  |
| Beneficiaries         | 2%   | 4   |
| Total                 | 100% | 259 |



## Country locations

Of the 68%, 177, of respondents who indicated their location, (36%, 63) chose 'Other, (20%, 36) were based on Warsaw followed by Poznań (12%, 21) Kraków (7%, 13), Lublin (5%, 8), Wielkopolski (5%, 8), Szczecin (3%, 5). The remaining locations accounted for (2%, 3).



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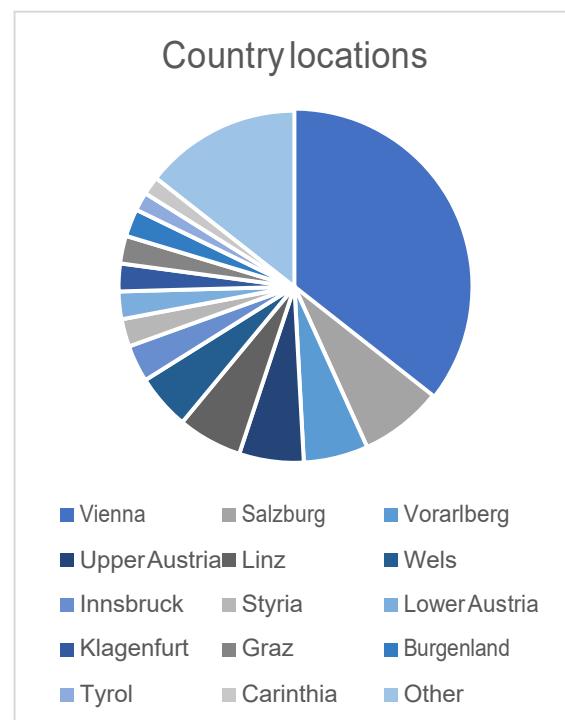
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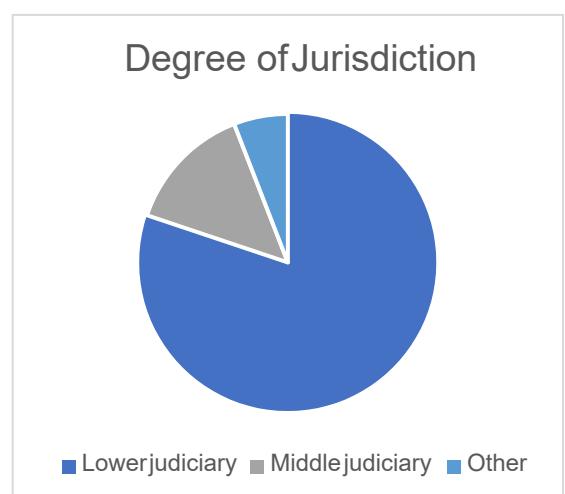
| Country locations | %    | #   |
|-------------------|------|-----|
| Warsaw            | 20%  | 36  |
| Poznań            | 12%  | 21  |
| Kraków            | 7%   | 13  |
| Lublin            | 5%   | 8   |
| Wielkopolski      | 5%   | 8   |
| Szczecin          | 3%   | 5   |
| Bielsko-Biała     | 2%   | 4   |
| Silesia           | 2%   | 4   |
| Nowy Sącz         | 2%   | 3   |
| Łódź              | 2%   | 3   |
| Lower Silesia     | 2%   | 3   |
| Rzeszów           | 2%   | 3   |
| Toruń             | 2%   | 3   |
| Other             | 36%  | 63  |
| Total             | 100% | 177 |



## Judges

The most common degree of jurisdiction for Judges was 'Lower judiciary' (80%, 109), followed by 'Middle judiciary' (14%, 19). Eight respondents selected 'Other' (6%).

| Degree of Jurisdiction | %    | #   |
|------------------------|------|-----|
| Lower judiciary        | 80%  | 109 |
| Middle judiciary       | 14%  | 19  |
| Other                  | 6%   | 8   |
| Total                  | 100% | 136 |



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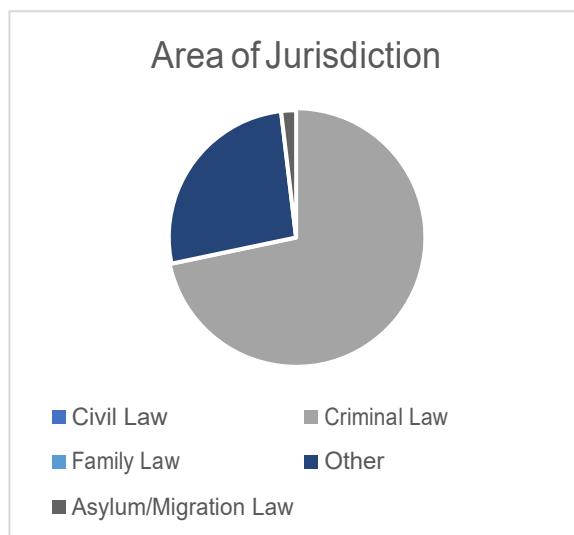
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The most common area of jurisdiction was 'Civil law' (48%, 73) followed by 'Criminal law' (25%, 38), 'Family law' (25%, 23), 'Other' (9%, 14), with 'Asylum/Migration Law accounting' for (1%, 1).

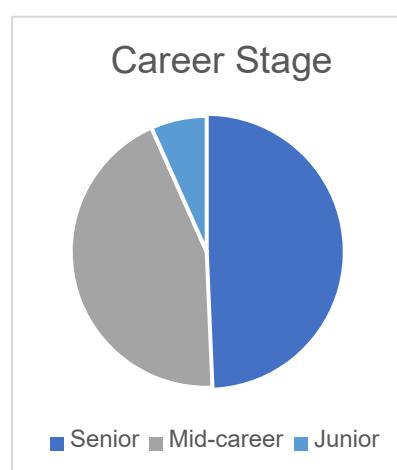
| Area of Jurisdiction | %    | #   |
|----------------------|------|-----|
| Civil Law            | 49%  | 73  |
| Criminal Law         | 26%  | 38  |
| Family Law           | 15%  | 23  |
| Other                | 9%   | 14  |
| Asylum/Migration Law | 1%   | 1   |
| Total                | 100% | 149 |



## Lawyers

Out of the 75 lawyers who responded, (49%, 3) indicated 'Senior', followed by 'Mid-career' (44%, 33) and junior lawyers (7%, 5).

| Career Stage | %    | #  |
|--------------|------|----|
| Senior       | 49%  | 37 |
| Mid-career   | 44%  | 33 |
| Junior       | 7%   | 5  |
| Total        | 100% | 75 |



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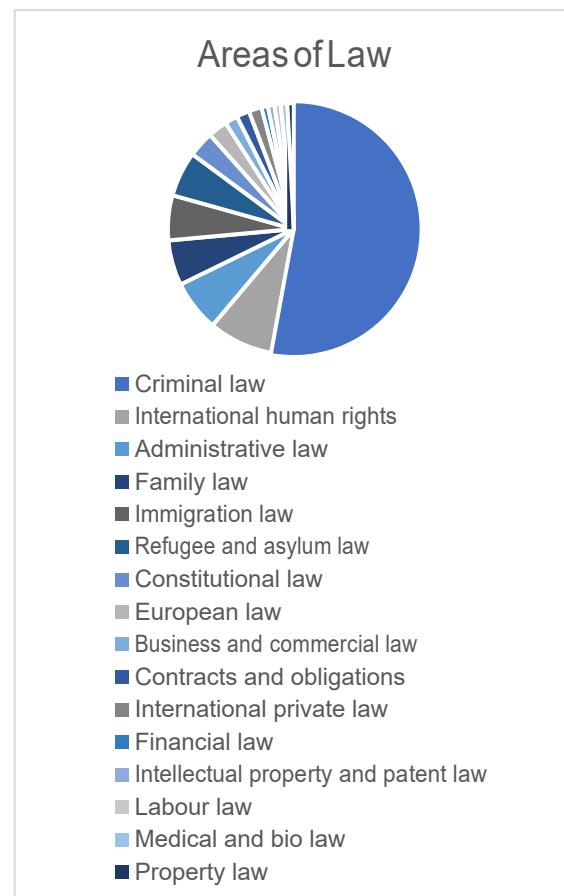
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For the areas of law practiced, 'Criminal law' (54%, 64) was the most common, followed by 'International human rights' (8%, 10), 'Administrative law' (7%, 8), 'Family Law' 'Immigration law' and 'Refugee and asylum law' (6%, 7) each, with all the other areas accounting for 3% or less.

| Areas of Law                         | %    | #   |
|--------------------------------------|------|-----|
| Criminal law                         | 53%  | 64  |
| International human rights           | 8%   | 10  |
| Administrative law                   | 7%   | 8   |
| Family law                           | 6%   | 7   |
| Immigration law                      | 6%   | 7   |
| Refugee and asylum law               | 6%   | 7   |
| Constitutional law                   | 3%   | 4   |
| European law                         | 2%   | 3   |
| Business and commercial law          | 2%   | 2   |
| Contracts and obligations            | 2%   | 2   |
| International private law            | 2%   | 2   |
| Financial law                        | 1%   | 1   |
| Intellectual property and patent law | 1%   | 1   |
| Labour law                           | 1%   | 1   |
| Medical and bio law                  | 1%   | 1   |
| Property law                         | 1%   | 1   |
| Total                                | 100% | 121 |



## Experts

The most common expert type was 'Expert Witness' (40%, 14), followed by 'Other' (40%, 14) and 'Translator/interpreter' (20%, 7).



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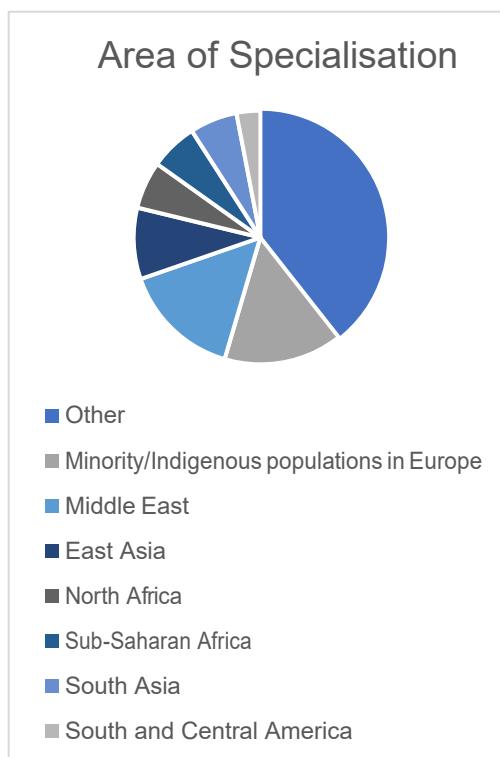
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| Expert Type            | %    | #  |
|------------------------|------|----|
| Expert Witness         | 40%  | 14 |
| Other                  | 40%  | 14 |
| Translator/interpreter | 20%  | 7  |
| Total                  | 100% | 35 |



The most common response to the question regarding area of specialisation was 'Other' (39%, 13) followed by 'Minority/Indigenous populations in Europe' and 'Middle East' (15%, 5) each, 'North Africa', 'Sub-Saharan Africa' and 'South Asia' (6%, 2) each and 'South and Central America' (3%, 1).

| Area of Specialisation                    | %           | #         |
|---|-------------|-----------|
| Other                                     | 39%         | 13        |
| Minority/Indigenous populations in Europe | 15%         | 5         |
| Middle East                               | 15%         | 5         |
| East Asia                                 | 9           | 3         |
| North Africa                              | 6%          | 2         |
| Sub-Saharan Africa                        | 6%          | 2         |
| South Asia                                | 6%          | 2         |
| South and Central America                 | 3%          | 1         |
| <b>Total</b>                              | <b>100%</b> | <b>33</b> |



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## Frequency

### Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (62%, 119) chose 'Never appointed experts', followed by 'Less than 10' (36%, 70), 'Between 10 and 20 (1%, 2) and 'Between 20 and 30' (1%, 1).

| Annual cases            | %    | #   |
|-------------------------|------|-----|
| Never appointed experts | 62%  | 119 |
| Less than 10            | 36%  | 70  |
| Between 10 and 20       | 1%   | 2   |
| Between 20 and 30       | 1%   | 1   |
| Total                   | 100% | 192 |



(41%, 13) of experts provided written expert report in 'Less than 5 cases', (22%, 7) chose 'Other', (13%, 4) indicated 'Between 20 and 50' (9%, 3) indicated a number of written reports 'Between 10 and 20' and 'Between 50 and 100' and (6%, 2) indicated a number of written reports 'Between 5 and 10'.

(45%, 14) of experts provided a total of less than 5 oral reports, (45%, 14) chose 'Other', and (3%, 1) provided a number of oral reports 'Between 10 and 20', 'Between 20 and 50' and 'Between 50 and 100'.



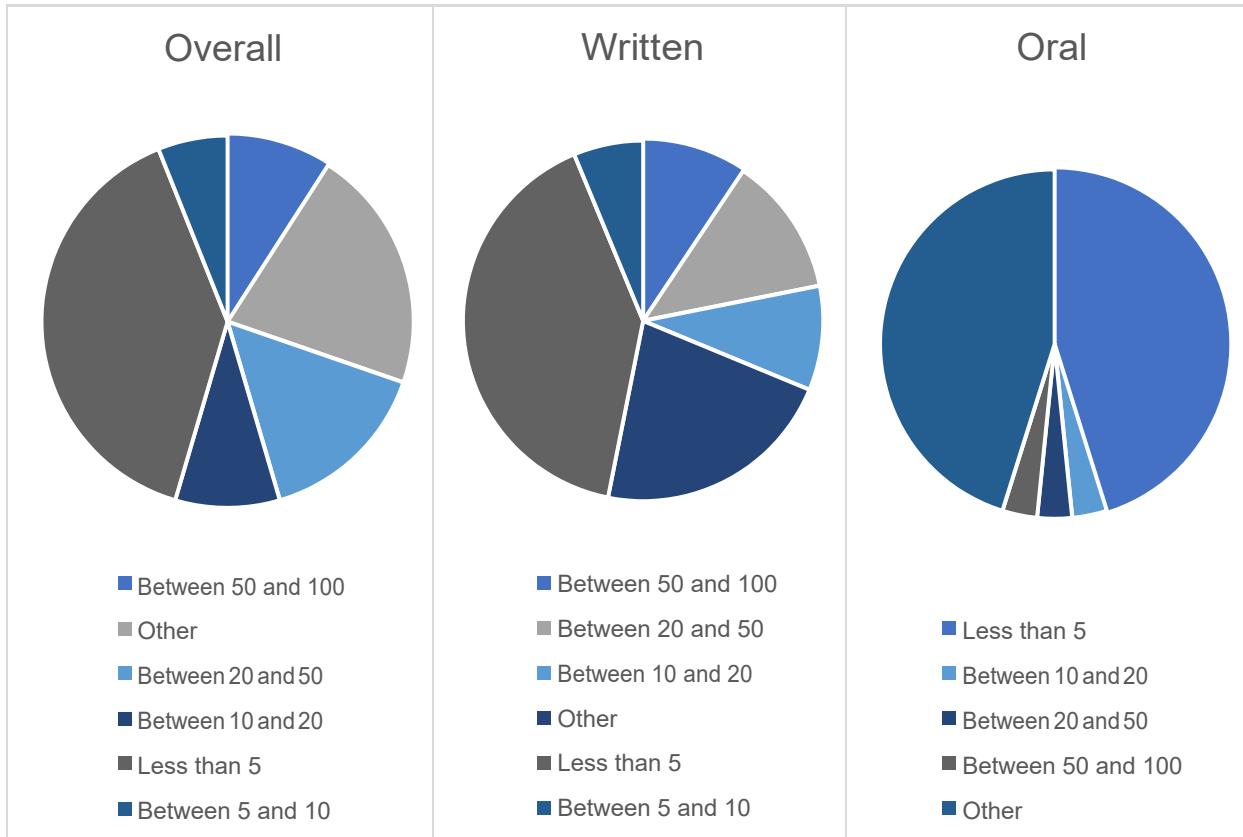
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## Fields of law

The most common area of use of cultural expertise was 'Family law' (15%, 93), followed by 'Criminal Law' (14%, 90), 'Refugee and asylum law' (13%, 86), 'Immigration law' (12%, 75), 'International Human Rights Law' (9%, 57) and 'Intellectual and patent law' (4%, 25), with all the remaining areas accounting for 3% or less.



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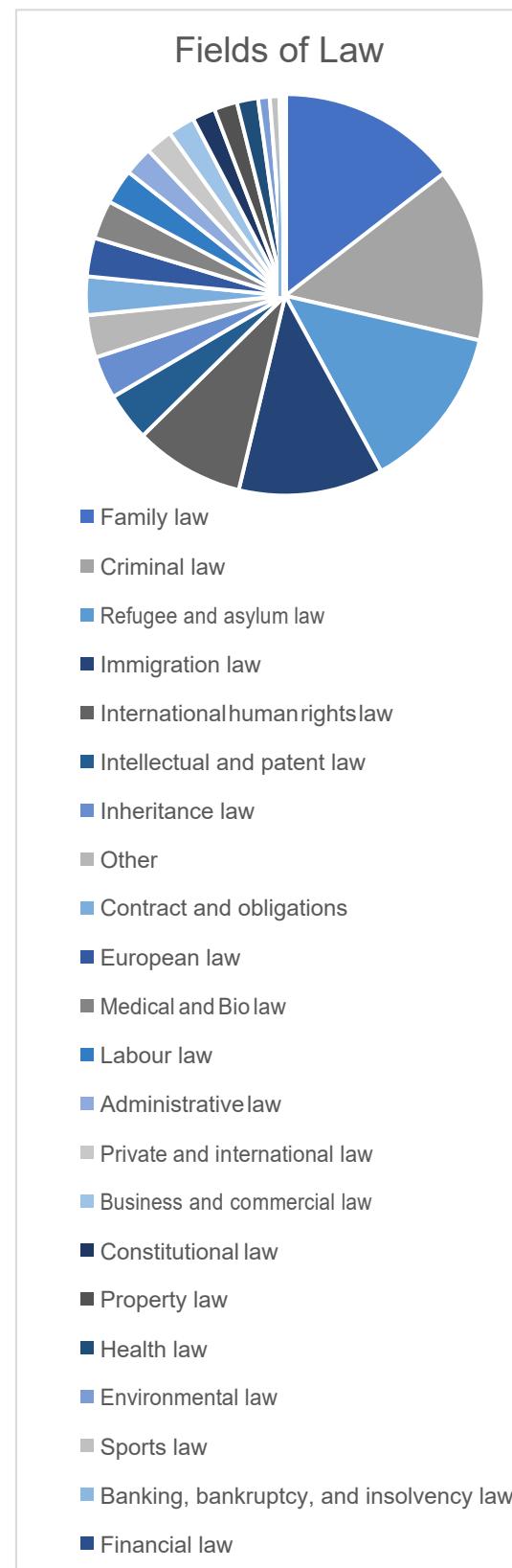
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| Fields of Law                           | %    | #   |
|---|------|-----|
| Family law                              | 15%  | 93  |
| Criminal law                            | 14%  | 90  |
| Refugee and asylum law                  | 13%  | 86  |
| Immigration law                         | 12%  | 75  |
| International human rights law          | 9%   | 57  |
| Intellectual and patent law             | 4%   | 25  |
| Inheritance law                         | 3%   | 22  |
| Other                                   | 3%   | 22  |
| Contract and obligations                | 3%   | 20  |
| European law                            | 3%   | 20  |
| Medical and Bio law                     | 3%   | 20  |
| Labour law                              | 3%   | 18  |
| Administrative law                      | 2%   | 15  |
| Private and international law           | 2%   | 14  |
| Business and commercial law             | 2%   | 14  |
| Constitutional law                      | 2%   | 12  |
| Property law                            | 2%   | 12  |
| Health law                              | 2%   | 11  |
| Environmental law                       | 1%   | 6   |
| Sports law                              | 1%   | 5   |
| Banking, bankruptcy, and insolvency law | 1%   | 2   |
| Financial law                           | 0%   | 1   |
| Total                                   | 100% | 640 |



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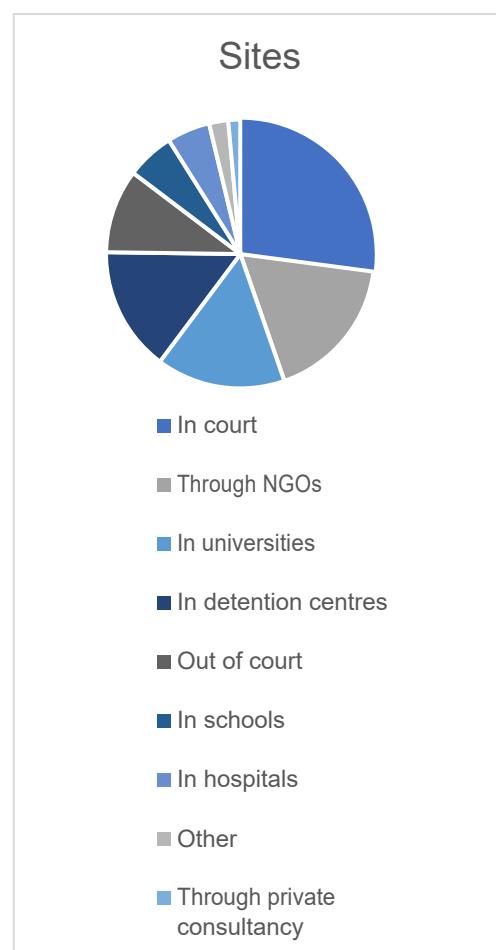
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## Sites

The most common site of cultural expertise was 'In court' (27%, 94), followed by 'Through NGOs' (18%, 61), 'In universities' (16%, 54), 'In detention Centres' (15%, 52), 'Out of court' (10%, 35), 'In Schools' (6%, 20), with all remaining categories receiving 5% or less.

| Sites                       | %    | #   |
|-----------------------------|------|-----|
| In court                    | 27%  | 94  |
| Through NGOs                | 18%  | 61  |
| In universities             | 16%  | 54  |
| In detention centres        | 15%  | 52  |
| Out of court                | 10%  | 35  |
| In schools                  | 6%   | 20  |
| In hospitals                | 5%   | 18  |
| Other                       | 2%   | 8   |
| Through private consultancy | 1%   | 5   |
| Total                       | 100% | 347 |



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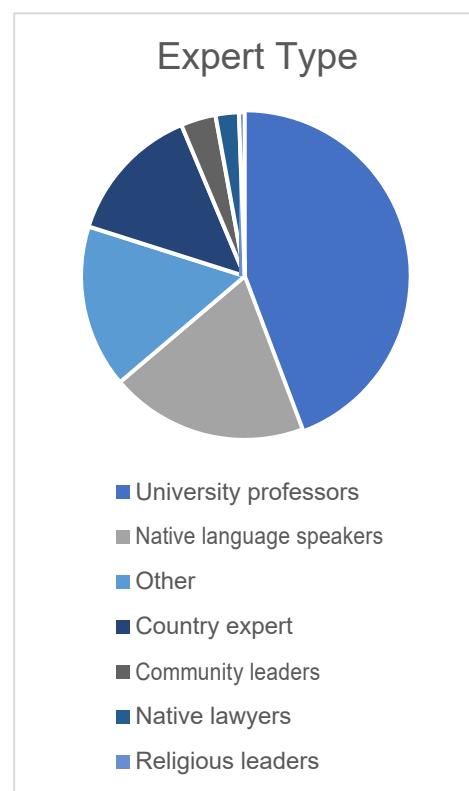
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## Typology of Experts

The most common response to the question regarding the expert type was 'University professor' (44%, 77), followed by 'Native language speakers' (20%, 34) 'Other' (16%, 28), 'Country experts' (14%, 24), 'Community leaders' (3%, 6), Native lawyers (2%, 1) and 'Religious leaders' (1%, 1).

| Expert Type              | %    | #   |
|--------------------------|------|-----|
| University professors    | 44%  | 77  |
| Native language speakers | 20%  | 34  |
| Other                    | 16%  | 28  |
| Country expert           | 14%  | 24  |
| Community leaders        | 3%   | 6   |
| Native lawyers           | 2%   | 4   |
| Religious leaders        | 1%   | 1   |
| Total                    | 100% | 174 |



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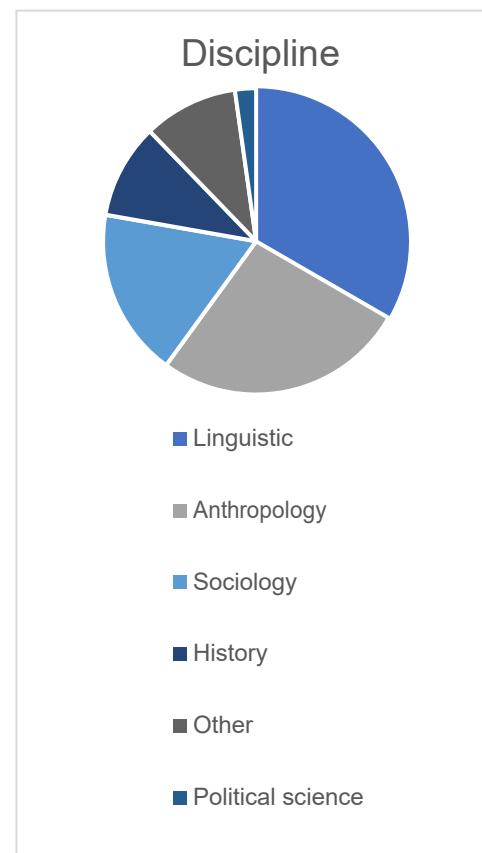
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## Discipline

The (44%, 77) who selected 'University professors' were asked to specify the disciplines of those professors. The most common response was 'Linguistic' (33%, 30), followed by 'Anthropology' (27%, 24), 'Sociology' (18%, 16), 'History' and 'Other' (10%, 9) each and 'Political Science' (2%, 2).

| Discipline        | %    | #  |
|-------------------|------|----|
| Linguistic        | 33%  | 30 |
| Anthropology      | 27%  | 24 |
| Sociology         | 18%  | 16 |
| History           | 10%  | 9  |
| Other             | 10%  | 9  |
| Political science | 2%   | 2  |
| Total             | 100% | 90 |



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## Modalities

### Appointment of Experts

The most common factor influencing the decision to appoint was 'Client request' (23%, 94), followed by 'Experts facilitate successful legal outcomes' (16%, 61), 'The law allows' (15%, 60), 'Time' (9%, 38), 'Expertise can also be used for an out of court settlement' (9%, 37), 'The reputation of the expert' (8%, 34), 'Other' (4%, 17), 'The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert' (4%, 16), 'The court advise the appointment of the expert' (3%, 12) and 'The court is keen to hear cultural arguments' (2%, 8).

| How experts are selected   | %    | #   |
|--|------|-----|
| Client request   | 23%  | 94  |
| Experts facilitate successful legal outcomes                                     | 16%  | 61  |
| The law allows   | 15%  | 60  |
| Time   | 9%   | 38  |
| Expertise can also be used for an out of court settlement                        | 9%   | 37  |
| The reputation of the expert   | 8%   | 34  |
| Cost   | 7%   | 27  |
| Other  | 4%   | 17  |
| The court/ prosecutor/ Office for Foreigners have already appointed their expert | 4%   | 16  |
| The court advise the appointment of the expert                                   | 3%   | 12  |
| The court is keen to hear cultural arguments                                     | 2%   | 8   |
| Total  | 100% | 404 |

How experts are selected



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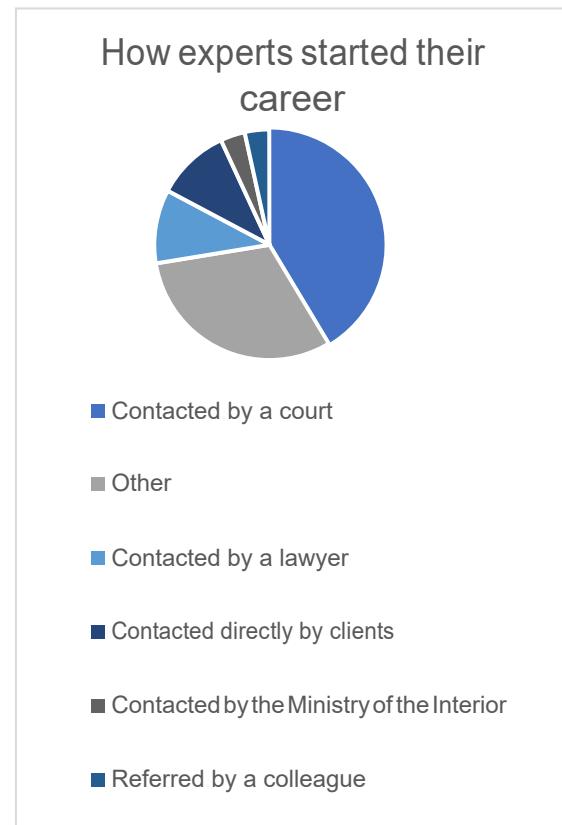
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Most experts started giving opinions after being 'Contacted by a court' (41%, 12), followed by 'Other' (31%, 9), 'Contacted by a lawyer' and 'Contacted directly by clients' (10%, 3) both, with all the remaining options being selected by a single respondent, 3%.

| How experts started their career       | %    | #  |
|--|------|----|
| Contacted by a court                   | 41%  | 12 |
| Other                                  | 31%  | 9  |
| Contacted by a lawyer                  | 10%  | 3  |
| Contacted directly by clients          | 10%  | 3  |
| Contacted by the Office for Foreigners | 3%   | 1  |
| Referred by a colleague                | 3%   | 1  |
| Total                                  | 100% | 29 |



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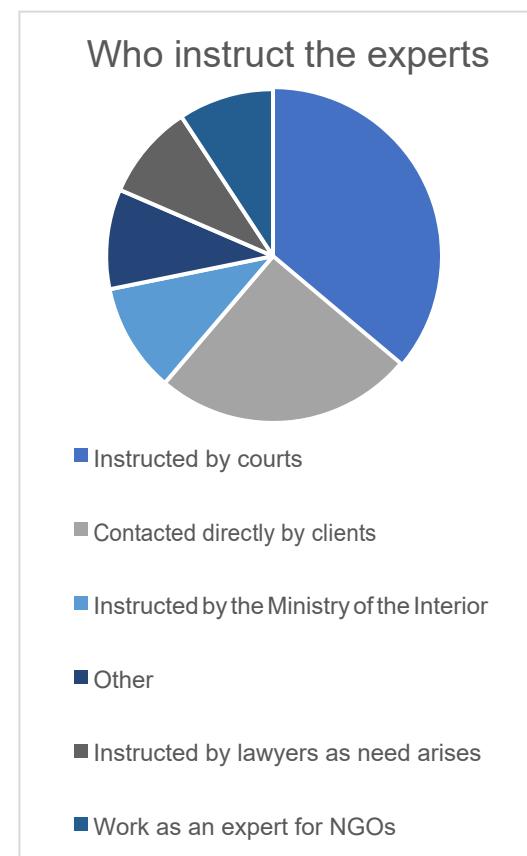
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Experts were most frequently 'Instructed by courts' (28%, 20), followed by 'Contacted directly by clients' (22%, 16), 'Instructed by lawyers as need arises' (17%, 12), Other (12%, 9), 'Instructed by the Ministry of the Interior' and (10%, 7) choose 'Work as an expert for NGOs'.

| Who instructs the experts                  | %    | #   |
|--|------|-----|
| Instructed by courts                       | 36%  | 82  |
| Contacted directly by clients              | 25%  | 57  |
| Instructed by the Ministry of the Interior | 11%  | 24  |
| Other                                      | 10%  | 22  |
| Instructed by lawyers as need arises       | 9%   | 21  |
| Work as an expert for NGOs                 | 9%   | 21  |
| Total                                      | 100% | 227 |



## Cost of Cultural Expertise

Cultural expertise is most commonly financed by 'Courts' (36%, 82), followed by 'Clients' (25%, 57), 'Ministry of the Interior' (11%, 24), 'Other' (10%, 22) and 'Legal aid' and 'Philanthropists/ NGOs/ Relatives/ Community' (9%, 21) each.



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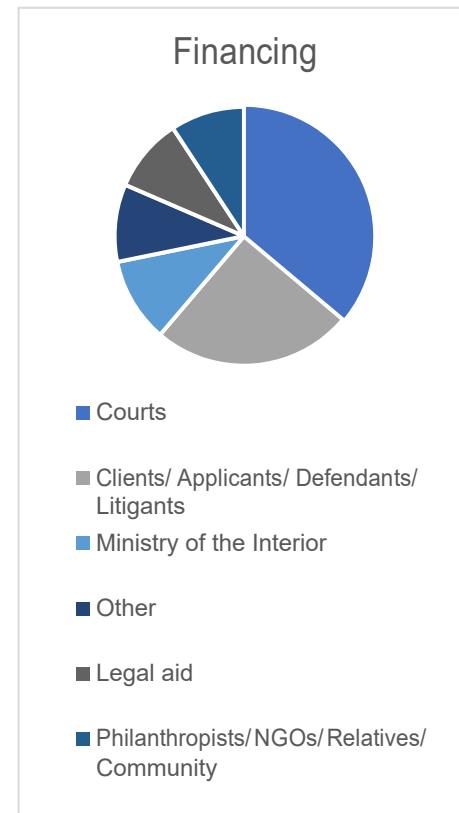
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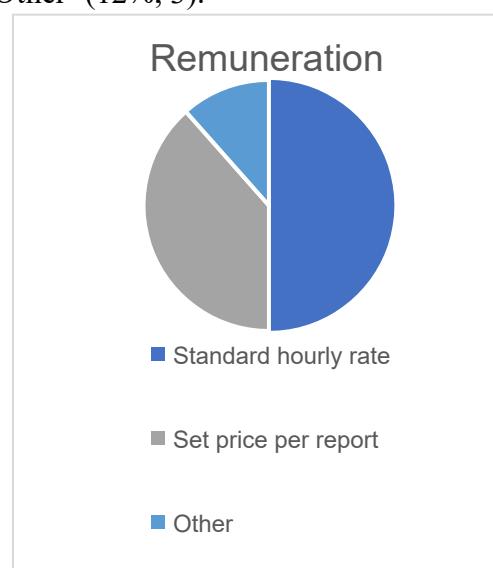
| How are experts paid?                       | %    | #   |
|---|------|-----|
| Courts                                      | 36%  | 82  |
| Clients                                     | 25%  | 57  |
| Ministry of the Interior                    | 11%  | 24  |
| Other                                       | 10%  | 22  |
| Legal aid                                   | 9%   | 21  |
| Philanthropists/ NGOs/ Relatives/ Community | 9%   | 21  |
| Total                                       | 100% | 227 |



## Remuneration of cultural expertise

Half of responses indicated that experts were paid at a 'Standard hourly rate' (50%, 13), followed by 'Set price per report' (38%, 10), and 'Other' (12%, 3).

| Remuneration of experts | %    | #  |
|-------------------------|------|----|
| Standard hourly rate    | 50%  | 13 |
| Set price per report    | 38%  | 10 |
| Other                   | 12%  | 3  |
| Total                   | 100% | 26 |



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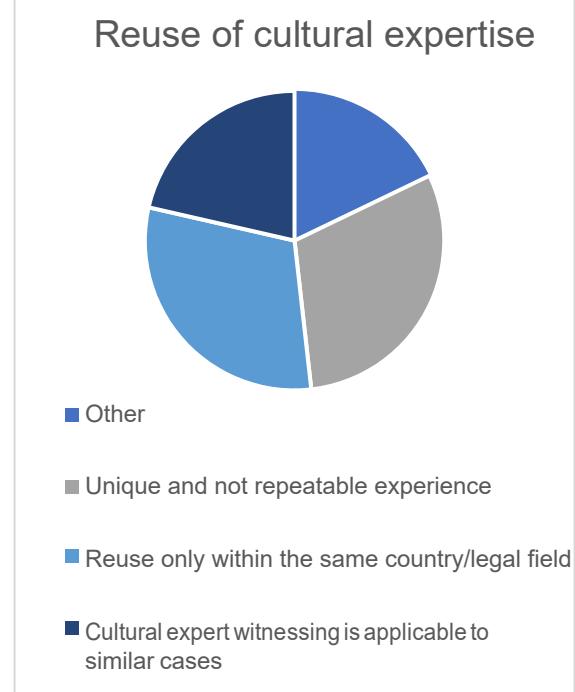
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## Reuse of cultural expertise

The most frequent response to the question of the reuse of cultural expertise was 'Unique and not repeatable experience' (40%, 58) followed by 'Cultural expert witnessing is applicable to similar cases' (30%, 17), 'Other' (17%, 24) and 'Reuse only within the same country/legal field' (18%, 10).

| Reuse of cultural expertise                               | %    | #   |
|---|------|-----|
| Unique and not repeatable experience                      | 40%  | 58  |
| Cultural expert witnessing is applicable to similar cases | 29%  | 42  |
| Other   | 17%  | 24  |
| Reuse only within the same country/legal field            | 14%  | 21  |
| Total   | 100% | 145 |



## Impact

### Components of Impact

The most common components of impact include 'Reliable sources of contents' (17%, 157), 'Stringent conclusions' (13%, 124), 'First-hand experience' (13%, 122), 'Reputation of the experts' (11%, 110), 'Style' (11%, 105), 'Use of statistics' (10%, 99), 'Remuneration of experts' (8%, 81), 'Advocacy' and 'Quantitative assessment of risk' (8%, 80) each and 'Other' (15, 5).



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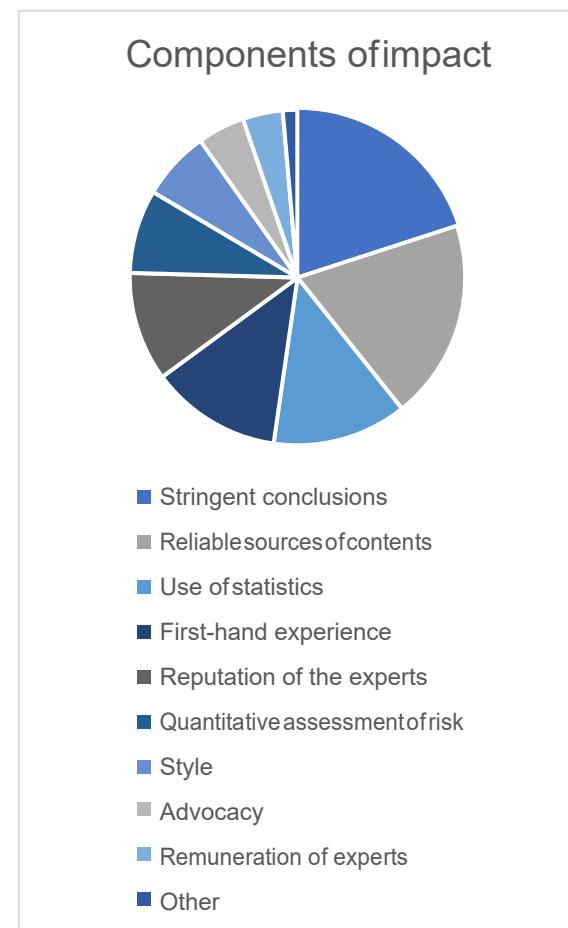
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| Components of impact            | %    | #   |
|---------------------------------|------|-----|
| Reliable sources of contents    | 17%  | 157 |
| Stringent conclusions           | 13%  | 124 |
| First-hand experience           | 13%  | 122 |
| Reputation of the experts       | 11%  | 110 |
| Style                           | 11%  | 105 |
| Use of statistics               | 10%  | 99  |
| Remuneration of experts         | 8%   | 81  |
| Advocacy                        | 8%   | 80  |
| Quantitative assessment of risk | 8%   | 80  |
| Other                           | 1%   | 5   |
| Total                           | 100% | 963 |



## Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'Moderately useful' (32%, 55), followed by 'Slightly useful' (31%, 53) then 'Very useful' (23%, 39), 'Not useful at all' (10%, 17) and finally 'Extremely useful' (5%, 8).



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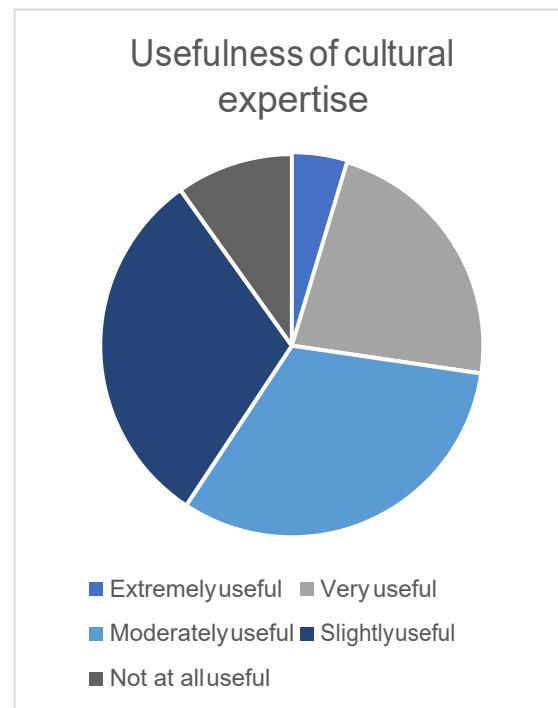
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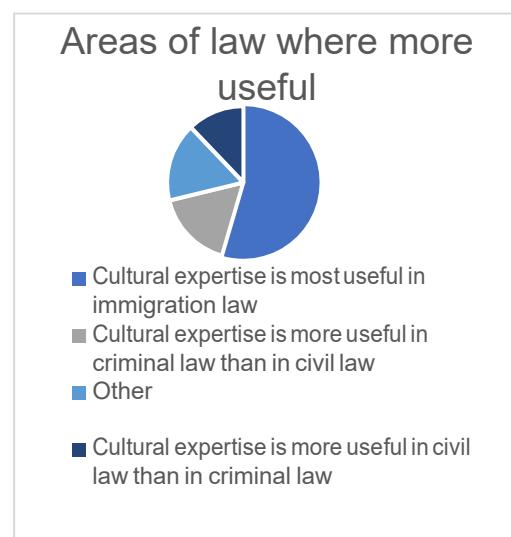
| Usefulness of cultural expertise | %    | #   |
|----------------------------------|------|-----|
| Extremely useful                 | 5%   | 8   |
| Very useful                      | 23%  | 39  |
| Moderately useful                | 32%  | 55  |
| Slightly useful                  | 31%  | 53  |
| Not at all useful                | 10%  | 17  |
| Total                            | 100% | 172 |



## Usefulness: fields

Cultural expertise is most useful in 'Migration law' (39%, 66) followed by 'More useful in civil law rather than criminal law' (29%, 49), 'More useful in criminal law than civil law' (19%, 32) and 'Other' (13%, 21).

| Areas of law where cultural expertise is more useful | %    | #   |
|--|------|-----|
| Migration law  | 39%  | 66  |
| More in civil law than in criminal law               | 29%  | 49  |
| More in criminal law than in civil law               | 19%  | 32  |
| Other  | 13%  | 21  |
| Total  | 100% | 168 |



# Poland Data Summary

## CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI:Livia Holden|Post-Doc:Anna Tsalapatanis:Data Collector:Stanislaw Burdziej

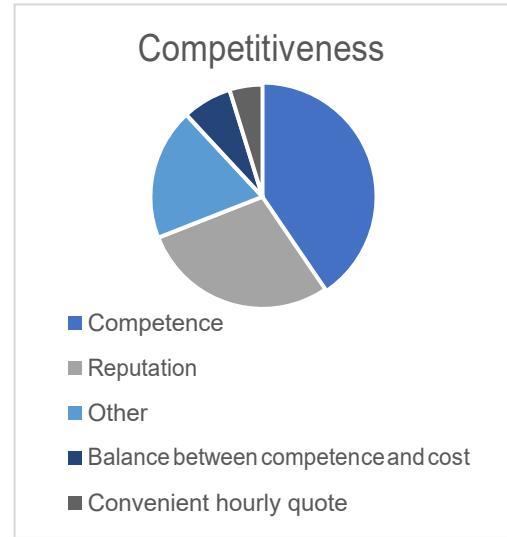
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

## Competitiveness

Experts thought that their expertise was competitive because of their 'Competence' (40%, 17), 'Reputation' (29%, 12), 'Other' (19%, 8), 'Balance between competence and cost' (7%, 3) and 'Convenient hourly quote' (5%, 2).

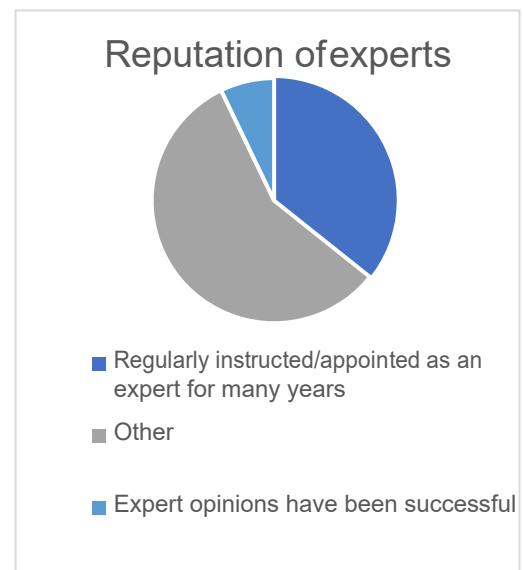
| Competitiveness                     | %    | #  |
|-------------------------------------|------|----|
| Competence                          | 40%  | 17 |
| Reputation                          | 29%  | 12 |
| Other                               | 19%  | 8  |
| Balance between competence and cost | 7%   | 3  |
| Convenient hourly quote             | 5%   | 2  |
| Total                               | 100% | 42 |



## Reputation of Experts

The majority of experts said that they had been 'Regularly instructed/ appointed as expert for many years' (58%, 11), followed by 'Other' (32%, 6), and then 'The cases in which expert opinion was provided were successful' (11%, 2).

| Reputation of experts                                      | %    | #  |
|--|------|----|
| Regularly instructed/appointed as an expert for many years | 36%  | 10 |
| Other  | 7%   | 16 |
| Expert opinions have been successful                       | 57%  | 2  |
| Total  | 100% | 28 |



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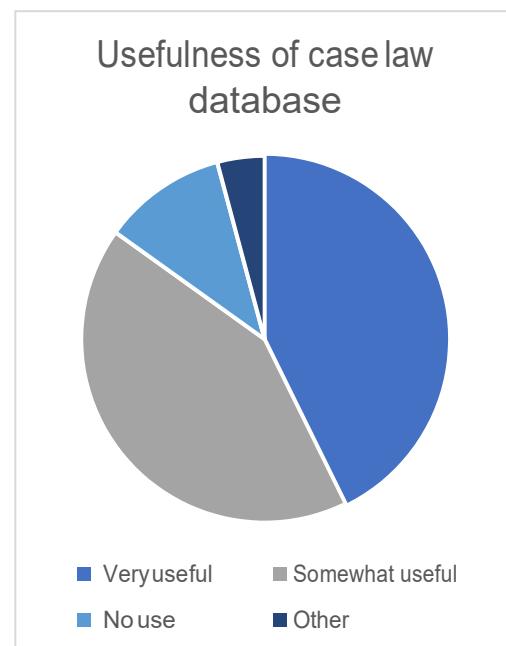
Date of Revision: 01/02/2022

## Improved Access

### Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Very useful' (43%, 82), followed by 'Somewhat useful' (42%, 81), of 'No use' (11%, 21) and (4%, 8) choose 'Other'.

| Usefulness of case law database | %    | #   |
|---------------------------------|------|-----|
| Very useful                     | 43%  | 82  |
| Somewhat useful                 | 42%  | 81  |
| No use                          | 11%  | 21  |
| Other                           | 4%   | 8   |
| Total                           | 100% | 192 |



## Contribution to law database

Most respondents did wish to contribute to the establishment of a case law database (53%, 53), while close to one third of respondents did not (37%, 37).



# Poland Data Summary

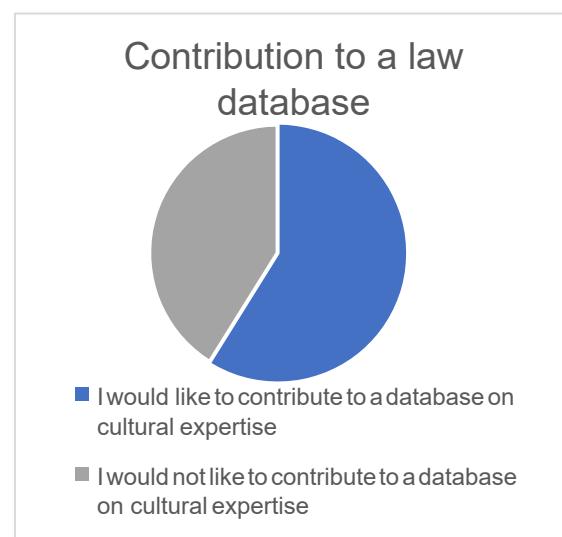
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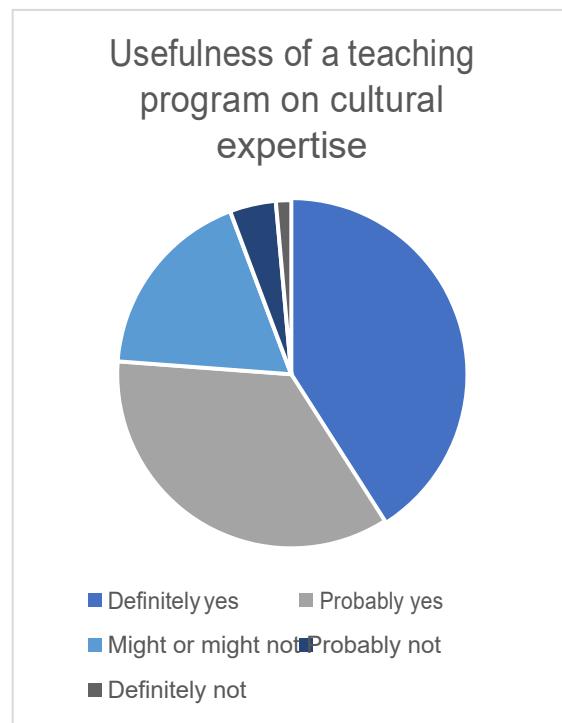
| Contribution to a law database                                     | %    | #   |
|--|------|-----|
| I would not like to contribute to a database on cultural expertise | 41%  | 37  |
| I would like to contribute to a database on cultural expertise     | 59%  | 53  |
| <b>Total</b>   | 100% | 100 |



## Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was 'Definitively yes' (41%, 86), followed by 'Probably yes' (35%, 74), 'Might or might not' (18%, 38), 'Probably not' (4%, 9) and 'Definitely not' (2%, 3).

| Usefulness of a teaching program on cultural expertise | %    | #   |
|--|------|-----|
| Definitely yes   | 41%  | 86  |
| Probably yes   | 35%  | 74  |
| Might or might not                                     | 18%  | 38  |
| Probably not   | 4%   | 9   |
| Definitely not   | 2%   | 3   |
| <b>Total</b>   | 100% | 210 |



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## Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was 'Other' (59%, 30), followed by 'Know educational organisations which may be interested' (22%, 9), then 'Know professional organisations that may be interested' (18%, 9) and finally one respondent who would be 'Interested in teaching cultural expertise themselves' (2%).

| Organisations interested in a teaching program         | %    | #  |
|--|------|----|
| Know educational institutions interested in teaching   | 20%  | 16 |
| Know professional organisations interested in teaching | 4%   | 3  |
| Interested in teaching themselves                      | 15%  | 12 |
| Other  | 61%  | 48 |
| Total  | 100% | 79 |

