

THE CONFERENCE OF MEMBERS OF THE CIVIL PROCEDURE CHAIRS IN POLAND

The first national conference of members of the chairs of civil procedure was held from 24th to 27th of May 1965, followed by the conferences in 1966 and 1967. The first conference was under the auspices of the Warsaw University Chair of Civil Procedure and the Ministry of Higher Education. Since the debates proved to be fruitful the decision was taken as to organize such meetings every year.¹

¹ The report of the conferences held in 1966 and 1967 will appear in the next issue of the "Droit Polonais Contemporain."

The topics of the first conference were fundamental problems of the civil procedure science and its teaching, as well as the problems of teaching the subject: "Organization of the Administration of Justice."

The conference was attended by all the professors, assistant professors, adjuncts, and assistants of the chairs of civil procedure. Two representatives of the related disciplines: substantive civil law and criminal procedure were also present.

Four papers were read: 1) *Tasks of the Science of Civil procedure in the Light of New Codification of the Civil Procedure* — by prof. Jerzy Jodłowski (Warsaw University); 2) *Teaching Problems of Civil Procedure in the New Curriculum of Legal Studies* — by prof. Władysław Siedlecki (Jagiellonian University, Cracow); 3) *Didactic Problems of the Civil Procedure* — by prof. Edward Wengerek (Mickiewicz University, Poznan); 4) *Teaching and Curriculum Problems of the Subject: "Organization of the Administration of Justice"* — by asst. prof. Stanisław Włodyka (Jagiellonian University, Cracow).

Professor Jodłowski considered the development of the science of civil procedure within the period of 15 years that passed since the conference on the subject was held before the Congress of Polish Science in 1950. Next, he extensively discussed the scope of the science of civil procedure, methodological problems, relations of the science of civil procedure with other fields of legal sciences and other social sciences, and finally the subject of research for the nearest future. The point was made that the scope of the science of civil procedure includes not only the judicial civil procedure but covers also the arbitral procedure, and the procedure employed by all other organs empowered to try and give solutions in civil cases. Such determination of the range and subject of research in the science of civil procedure is a logical consequence of uniformity of the civil law system implemented by the Polish new Civil Code which regulates all the civil law relations including the legal relations between different units of socialized economy. The law of civil procedure as a formal law the aim of which is to provide for the implementation of norms of the substantive civil law, must by its nature cover any kind of the procedure involved in cases resulting from legal relations that are regulated by the substantive civil law.

In discussing the methodological problems professor Jodłowski emphasized that scientific works in the field of civil procedure cannot consist only in the analysis and interpretation of the normative material; the problems of social and economic relations that are subject of protection in the civil procedure should also be dealt with as extensively as possible. The stress was also laid on the problem of appropriateness and necessity to carry out research in the field of comparative law which undoubtedly enriches the science of civil procedure. Research in the civil procedure should be carried out in view of the connection between theory and practice which is to be effected by using broadly practical experiences and tending to meet the requirements of practice as fully as possible. It was pointed out that the primary task of the science of civil procedure is to elaborate a complete system of the law of civil procedure in accordance with the above determined scope of the discipline.

In the discussion it was agreed that the scope of research in the science of civil procedure should also include the procedure in cases on claims of employees proceeded before the commissions of conciliation that function at a number of establishments. It was pointed out that the additional and essential element of linkage existing between these two procedures is similarity in principles that govern them.

Professor Siedlecki presented the project of a curriculum of the civil procedure adjusted to the new four-year law course. The basis of the project was the thesis according to which the scope of teaching the civil procedure should correspond to the range of the science of this subject, i.e., it should comprise all kinds of the procedure before the organs empowered to try and give solutions in civil cases.

In the discussion that followed the project was fully accepted. The content of monographic lectures was also discussed. It was agreed that particularly the following subjects should be included ; civil procedure of non-litigation nature, arbitral procedure, international civil procedure, execution procedure, and the procedure in cases concerning labour relations.

In the article read by professor Wengerek and in the discussion that followed, there were considered many important problems pertaining to the methods of teaching the civil procedure. There was full acceptance of the audience of the interesting and quite possible to be effected suggestion made by prof. Wengerek as to employ one of the modern didactic methods and make a short subject film for educational purposes on the proper run of the civil proceedings. It would be advisable to make also a film on criminal proceedings.

Professor Wlodyka pointed out that the subject called so far "Organization of Justice Administration" constitutes a functional entity which is of great importance from the point of view of the rule of law and current needs of legal practice as well as regards the evolution of forms of the legal protection and development of the principle of community participation in effecting the protection. In consequence, the need will be to include all these complex problems in the new curriculum as well as in the programme of research.

In the discussion on this article it was agreed that the subject "Organization of the Administration of Justice" should be maintained in the new curriculum of the legal studies but in a modified form. The subject under the changed name, "Institutional Structure of the Organs of Legal Protection" should have a more extensive range and should cover not only the problems concerning the organs of justice administration but also the problems involved in all other institutions of legal protection and legal assistance (arbitrage, procuracy, social courts, commissions of conciliation, the bar, legal advisers, and notary conveyancers).

Finally, two comprehensive resolutions were passed. The first one concerned the problems of civil procedure science and its teaching, and the second pertained to the subject: "Institutional Structure of the Organs of Legal Protection". The resolutions were in principle based on the theses given in the papers read at the Conference.

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¹ This was the second conference; the first one was held in Zamość, June 4th-9th, 1963.