REMOTE COURT HEARINGS IN POLISH JUDICIAL CIVIL PROCEEDINGS – MANIFESTATION OF JUSTICE OR AFTERMATH OF THE EPIDEMIC?

CZU: 347.91:004 (438) **https://doi.org/10.5281/zenodo.7870072**

Tadeusz ZEMBRZUSKI[1]

ABSTRACT. *Legislative changes introduced in Poland are undermining the principle of open justice in civil proceedings, having brought multiple related restrictions and exceptions. Computerising court hearings remains another challenge to open justice-related issues. Notwithstanding the above, having met the demands of many years for the comprehensive implementation of online communication in civil proceedings, regulations enacted in connection with the epidemic ought to be viewed as positive. The introduced solution allows public hearings to be conducted with the use of technological appliances supporting remote proceedings with simultaneous and direct audio-video transmission, while not requiring any participants, including judicial panel members, to be present on court premises. The COVID-19 epidemic seems to have brought permanent change to operational functions of justice.*

Keywords: *right to fair trial, open justice principle, COVID-19 epidemic, remote hearing, computerisation of justice.*

I. The right to fair trial is also referred to as the right to justice, right to legal protection, right to judicial remedy, right of action or the right to defence before a court of law [26, p. 8 *et seq*]. Unquestionably constituting a fundamental right and freedom, it is also a significant component of the rule of law [25, p. 186 *et seq*]. The examination of a case under civil law is tantamount to dominant interference by a court of law with a view to consider whether the behaviour of other parties is in violation of legally protected interests [1, p. 93 *et seq*]. In Poland, exercising the right to fair trial ties in with making any interference with civic rights dependent on a decision passed by an independent body, judicial in nature [8, p. 725 *et seq*].

The right to fair trial is a constitutional principle, universal in nature [39, p. 72 *et seq*]. From the vantage point of the Polish Constitution, the conceptual scope of the entitlement is extremely broad. Pursuant to Article 45 (1) of the Constitution of the Republic of Poland of February 2nd 1997[2], everyone has the right to a fair and open trial without undue delay, before a competent, independent, unbiased and impartial court of law. Belief that the aforesaid right comprises four components has become firmly grounded in jurisprudence. The right to fair trial shall firstly include the right of access to justice, defined as the right to initiate proceedings before a court of law; secondly – and importantly to further ponde-

1 Tadeusz ZEMBRZUSKI, Professor of University of Warsaw, Faculty of Law and Administration, University of Warsaw, Poland, e-mail: www.zembrzuski.eu , ORCID nr: 0000-0001-8239-6827.

2 *Journal of Laws* 1997 No. 78 item 483, as amended.

rings – the right to an appropriately designed judicial procedure, open judicial hearings accounted for; thirdly, the right to secure a binding judicial resolution of the case, i.e. the right to a judicial ruling; and fourthly, the right to an appropriate form of the system and position of the bodies charged with examining legal cases.[1] Preserving the right to fair trial standard ought to apply to all aforesaid matters examined and assessed in court proceedings.

The right to fair trial is perceived both as a guarantee of constitutional rights as well as a self-standing subject of protection taking on the form of the right to fair and dependable proceedings [21, p. 249]. The right to fair trial may be defined as a directive to establish law, requiring the legislator to develop legal norms to concretise the principle [39, p. 73 *et seq*]. In case of the Polish legislator, it stands for the duty to introduce a legal regulation guaranteeing reliable examination of any case, justly and as swiftly as reasonably possible [11, p. 154 *et seq*]. Consequently, guaranteed right to fair trial shall include efforts to form judicial proceedings so as to warrant respect for the open justice principle. The need for transparency in the operation of courts and other entities charged with public task delivery should not raise any doubts today.

II. Associated with its transparency, the principle of open justice is considered one of the fundamental procedural rules in civil proceedings [14, p. 11 *et seq*.; 12, p. 349 *et seq*]. Tying in with principles of directness and orality, the aforesaid rule has been designed to ensure proper conduct and fairness of proceedings [31, p. 1415 *et seq*]. The openness principle has been firmly grounded in Polish law [30, p. 28 *et seq*]. Two aspects of open justice have been identified: internal transparency applying to parties to an participants of proceedings, and external transparency applicable to third parties (presence of the public) [27, p. 88 *et seq*]. Internal transparency forms part of fair examination of a case under civil law, specifying the right to fair trial mentioned by the opening sequence herein.

A distinction is made between open and closed court sessions, the division adequate for all proceedings regulated under Polish procedural law. Openness of judicial hearings remains the basic expression of the open justice principle [16, p. 232 *et seq*]. The public nature of judicial proceedings should not remain part of formal declarations only, but rather an outcome of applying the constitutional principle of the right to fair trial, all its components duly included, as well as all other legal regulations in force in Poland.

Acts of international law reinforce the role and importance of the open justice principle. Legal regulations in force in Poland ought to be interpreted in consideration of the Article 6 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms[2] and Article 14 (1) of the International Cove-

[1] For more, see Constitutional Court ruling of June 2nd 2010, Ref. No. SK 38/09.

[2] Drafted in Rome on November 4th 1950, *Journal of Laws* 1993, No. 61, item 284.

nant on Civil and Political Rights[1], both guaranteeing everyone the right to a fair and open trial within a reasonable timeframe before an independent and impartial court of law. The open justice principle carries considerable importance in European Union law as well [17, p. 68 *et seq*.; 5, p. 17 *et seq*].

The principle of open judicial hearings has been laid out in aforementioned Article 45 of the Constitution of the Republic of Poland – and reflected in system- and procedure-related acts of law. Pursuant to Article 42 of the Common Court System Law of January 27th 2001, courts of law shall examine and resolve cases in open proceedings, providing that hearing a case in closed session or excluding the public from proceedings shall be allowed only under provisions of respective laws. When it comes to the Code of Civil Procedure[2], the open justice principle has been specified under Articles 9 and 148 (1). It is presumed that judicial hearings shall be open to the public and the trial court shall hear all cases in hearings, unless a special provision provides otherwise. On the other hand, the norm laid out in Article 148(3) of the Code of Civil Procedure grants the court of law the authority to pass decisions in closed sessions; notwithstanding the above, the court may refer a case to open session and schedule a hearing also if the case is subject to examination in closed session (Article 148(2) of the Code of Civil Procedure).

Amendments introduced over the years have in all actuality undermined the open justice principle, having brought multiple related restrictions and exceptions [36, p. 5 *et seq*.; 23, p. 116 *et seq*]. Restrictions arise from the fact that in Poland, the principle of open justice ensconced in Article 45 (1) of the Constitution is not absolute in nature. Pursuant to Article 45 (2) of the basic law, the open session format of a hearing may be excluded for reasons of morality, state security and/or public order, and/or to protect the private lives of parties or other significant private interests [3, p. 217 *et seq*]. In consequence, regulations of procedural law[3] [13, p. 10 *et seq*] may provide for exceptions to the principle of open hearings [27, p. 83 *et seq*], the aforesaid also applicable to legal solutions introduced in connection with the COVID-19 pandemic.

III. The COVID-19 epidemic has left its mark on the operations of the judiciary in Poland [4, p. 9 *et seq;* 38, p. 59 *et seq*], issues of open and online hearings included [20, p. 69 *et seq*.; 36, p. 3 *et seq*.; 15, p. 22 *et seq*.; 23, p. 80 *et seq*]. Far-reaching changes were introduced under the Law of March 2nd 2020 on special-purpose solutions linked to the prevention, deterrence and control of COVID-19, other infectious diseases, and emergencies caused by the same[4]. Aforesaid

[1] Resolved by the General Assembly of the United Nations Organisation on December 16th 1966, *Journal of Laws* 1994, No. 23, item 80.

[2] Code of Civil Procedure Law of November 17th 1964 (uniform text: *Journal of Laws* 2021 item 1805, as amended).

[3] Also proceedings under criminal law.

[4] Uniform text, *Journal of Laws* 2021, item 2095, as amended.

regulations were designed to i.a. specify so-called urgent cases, the running of procedural deadlines, and the hearing of cases with open session format restricted or excluded [19, p. 441 *et seq*.; 29, p. 617 *et seq*]. Temporary legal solutions established in an aftermath of the state of epidemic threat, later also state of epidemic emergency having been introduced in Poland in March 2020[1], have deemed it essential to redefine the clause of necessity, one of the gauges measuring the extent to which public agencies are authorised to restrict civic rights and freedoms [23, p. 81]. While on the one hand attempts had been made to preserve and provide citizens with actual access to justice, individual rights and capacity to use some public services had been limited on the other.

Dynamic in nature and difficult to predict, epidemic-related developments have verified the need to preserve individual constructs, becoming conducive to establishing novel, more or less anticipated procedural regulations. During the first stage of the epidemic in Poland, provisions of the episodic Law were often as not hastily drafted and amended, occasionally with glaring incoherence and inconsistency [38, p. 59]. The Law was amended several dozen times, the introduced regulations generating practical difficulties and uncertainties. It was alleged that the hurried solutions, while aiming for efficiency and effectiveness of legal protection in times of an epidemic, occasionally did so at the expense of proper legislation standards, and deviating from *"norms of good law"* [10, p. 29 *et seq*].

Special rules of organising judicial trials and sessions were introduced for the period of the state of epidemic threat or epidemic emergency remaining in force. Article 15 zzs[1] (1) item 3 of the COVID-19 Law proved to be most controversial; pursuant to the same, the chairperson shall have the right to order a closed hearing whenever holding a remote hearing is not possible, and holding an open hearing or trial is not required. In practice, multiple uncertainties arose with regard to when such a solution can actually be applied, i.e. when the need for or impossibility of a remote (online) hearing actually arises, and further under what circumstances would such solution constitute a breach of guarantees and rights due to parties to judicial proceedings.

IV. Efforts designed to *"computerise"* judicial proceedings have been made in Poland over the past dozen or so years [24, p. 412 *et seq*]. Attempts at introducing electronic communication and similar facilities have been made in justice as well as public administration agencies [18, p. 3 *et seq;* 9, p. 44 *et seq*]. The electronic writ of payment procedure introduced in 2010 remains the absolute largest success in the field, making it possible for so-called e-courts to issue orders of

[1] Resolution of March 13th 2020 regarding the state of epidemic threat proclaimed for the territory of the Republic of Poland (*Journal of Laws* item 433, as amended), in force over the period of March 13th 2020 until March 20th 2020, and Resolution of March 20th 2020 regarding the state of epidemic emergency proclaimed for the territory of the Republic of Poland (*Journal of Laws* 2020 item 491, as amended).

payment [33, p. 115 *et seq*]. Yet no ICT system designed to comprehensively handle civil law proceedings has been created until this day [7, p. 637 *et seq*].

Notably, the option of holding remote judicial hearings has been available pursuant to Polish law for several years. Introduced pursuant to the Law of July 10th 2015[1], Article 151 (2) of the Code of Civil Procedure provides for an option of examining civil law cases with the use of technological appliances supporting remote judicial sessions. Consequently, courts of law have been afforded the opportunity to handle proceedings outside their premises in the interest of justice. Legal regulations have provided parties to and participants of proceedings with an option of attending judicial sessions remotely, the requirement of aforesaid individuals being present in another court building prevailing. Only under such circumstances processual proceedings could be transmitted from the courtroom of the court seized with proceedings to the location of entities involved, and from the aforesaid location to the courtroom of the court seized with proceedings. Organising videoconferences required close collaboration between courts of law, scheduling dates to fine-tuning technical matters [22, p. 60 *et seq*]. Yet the practical use of the mechanism in Poland was a rarity, courts of law *de facto* not taking advantage of the option of scheduling or holding remote judicial trials [7, p. 657; 36, p. 9 *et seq*].

The epidemic-related crisis gave rise to awareness of the actual need to computerise procedural institutions. The epidemic, so-called lockdowns and far-reaching social restrictions included, brought about specific attitudes as concerns the remote trial concept, as well as measures taken by Polish legislators with intent to facilitate and promote online trials [36, p. 15 *et seq*]. The COVID-19 Law included a solution of trials or open judicial sessions being held with the use of technological appliances, making it possible to proceed remotely with simultaneous and direct audio-video transmission (so-called remote judicial sessions), the requirement of participants, including judicial panel members, being present on court premises, duly lifted (Article 15 zzs[1] (1) item 1). The remote session-related decision shall be waived only in case of a need to hold the hearing in trial or open session, and only if the holding of such session on court premises shall cause no undue risk to the health of individuals attending Article 15 zzs[1] (1) item 1).

This change is qualitative in nature. Unlike Code-ensconced regulations, epidemic solutions provide that individuals participating in remote judicial sessions do not have to appear on court premises. Trial participants may join from law offices, their places of work, homes, or any other location with an online transmission option secured. Apart from trial closing sessions, the aforementioned solution extended to judicial panel members – excepting the chairperson of the panel and/or the justice *rapporteur*. The remote hearing option, literally *"de-lo-*

[1] Law of July 10th 2015 on amending the Civil Code Law, Code of Civil Procedure Law and selected other laws (*Journal of Laws* 2015, item 1311).

cated" from court premises under Polish law, is a unique solution. The fact of the majority of citizens' capacity for communicating with the use of privately owned electronic appliances (smartphones, tablets, laptops, desktop computers) was taken advantage of, such form of contact by and between parties to and participants of judicial proceedings and courts of law duly approved.

The procedural mechanism embedded in the COVID-19 Law has significantly increased the use of remote hearings. The novel way of handling cases has proven a great convenience for multiple parties to and participants of judicial proceedings (not only those unable to appear in court for health-related reasons, but also those concurrently charged with other duties, or abroad at the time), as well as for professional attorneys representing clients in court[1]. Yet the absence of a state-certified ICT system with functionalities capable of handling remote sessions remains a considerable challenge [23, p. 80]. Further restrictions arise from the relatively poor quality of technologies used to provide public services [17, p. 366 *et seq*], and their inaccessibility to a part of the society.

All aforementioned reservations apart, it ought to be concluded that holding remote judicial sessions with simultaneous uninterrupted transmission of image and sound is an unquestioned expression of following the spirit of technical and technological progress. The observed prevalence of online trials making it possible for justices and parties to proceedings to participate therein without being physically present on court premises has indisputably become part of the overall image of judicial proceedings [15, p. 32 *et seq*].

V. While social epidemic-related restrictions have been well-nigh abolished in their entirety over time, Polish courts continue operating in epidemic regime. Temporary solutions are to apply *"throughout the period of the state of epidemic threat or epidemic emergency proclaimed for COVID-19-related reasons, and for a term of one year as of the date of the later of the two being revoked"*. Until this day,[2] the state of epidemic threat has not been formally revoked, which in turn means that the judiciary in Poland shall continue operating in an altered social and procedural reality for months to come.

With regard to the Polish COVID-19 Law, the uncontrolled – and occasionally abused – option of trying cases in closed sessions, i.e. without parties being present, has triggered considerable protest. Reaching for such solutions should remain an exception, arise mainly from difficulties technical in nature, and be limited to circumstances of conventional or remote hearings proving an impossibility. Limiting open hearings for parties to proceedings ought to be protested[3] [37,

[1] According to the *Civic Court Monitoring 2022* Report drafted by the Court Watch Poland Foundation, the solution was applied in the considerable share of 35% of monitored cases (Report disclaimer: the sample was not representative).

[2] January 1st 2023.

[3] A breach to internal transparency may result in the emergence of grounds for the invalidity of proceedings, in turn entailing the need to annul the contested decision.

p. 590 *et seq*.; 35, p. 235 *et seq*] despite the blatant preference of the postulate of swiftness of proceedings[1] [2, p. 23] over other values, including that of open justice [34, p. 47 *et seq*], clearly visible in Polish legislation. Remote hearings should become a counterbalance for hearing of cases *in camera*, the former securing the delivery of openness through guarantee, supervision, legitimisation, nurture and education functions. Participating in a judicial hearing is more than a legal event: it is also a unique social event, given the variety of participant roles and the specificity of their interactions [6, p. 15 *et seq*].

The occasional concern suggests that while the principle of open hearings in judicial proceedings has been formally guaranteed pursuant to Article 45 of the Constitution of the Republic of Poland and confirmed in systemic provisions, it is turning into a mere paper principle in Poland as a result of the ever-increasing number of derogations introduced into procedural regulations [36, p. 16 *et seq*] - nonetheless, proper recourse to legal regulations allowing online hearings to be scheduled and held is a source of hope that the rights of parties to and participants of judicial proceedings will be respected as a rule. The epidemic has changed operations of the judiciary forever, a statement applicable to the overall mindset and organisation of proceedings under civil law. Somewhat perversely, it can be declared that epidemic-related regulations have delivered results responding to long-standing demands for a comprehensive implementation of online means of communication in civil law proceedings.

Computerising judicial proceedings remains a challenge for open justice principle issues [32, p. 12 *et seq*]. Nonetheless, the use of state-of-the-art IT solutions does not have to become tantamount to breaching any fair trial standards, or the related principle of open session hearings in proceedings under civil law. On the contrary, it provides citizens with an opportunity to directly assist in the administration of justice process [28, p. 48 *et seq*]. Only once thus defined and interpreted, can ne claim that the right to fair trial has been duly exercised, a *sine qua non* condition for exercising the rule of law by a state of law.

Bibliographical references:

1. Czeszejko-Sochacki M., *Prawo do sądu w świetle Konstytucji Rzeczypospolitej (ogólna charakterystyka)* (*Right to Fair Trial in the Constitution of the Polish Republic (General Description)*), *"Państwo i Prawo"* 1997/11-12.
2. Ereciński T., *Ocena skutków nowelizacji Kodeksu postępowania cywilnego z 4.07.2019 r.* (*Assessment of Outcomes of Amendments to the Code of Civil Procedure of July 4th 2019*), [in:] M. Dziurda, T. Zembrzuski

[1] The belief that swifter resolution of civil law cases may be brought about through *"improving"* processual regulations is palpable.

(ed.), *Praktyka wobec nowelizacji postępowania cywilnego. Konsekwencje zmian* (*The Practice Following Amendments to Civil Law Proceedings. Consequences of Change*), Warsaw 2021.
3. Flaga-Gieruszyńska K., *Konstytucyjne standardy prawa do sądu a ochrona prywatności stron na przykładzie spraw cywilnych* (*Constitutional Standards of the Right to Fair Trial and Protecting the Privacy of Parties in the Context of Civil Law Cases*), [in:] Ł. Błaszczak (ed.), *Konstytucjonalizacja postępowania cywilnego* (*Constitutionalisation of Proceedings under Civil Law*), Wrocław 2015.
4. Gajda-Roszczynialska K., *Przebudowa wymiaru sprawiedliwości w czasach pandemii COVID-19 ze szczególnym uwzględnieniem postępowania cywilnego* (*Reconstructing Justice in Times of the COVID-19 Pandemic in Special Consideration of Civil Law Proceedings*), *"Polski Proces Cywilny"* 2022/1.
5. Gajda-Roszczynialska K., *Zasada jawności w postępowaniu cywilnym* (*Principle of Open Judicial Hearings in Proceedings under Civil Law*), *"Iustitia"* 2013/1.
6. Gmerek K., *Rozprawa sądowa jako zdarzenie komunikacji społecznej* (*Judicial Trial as a Social Communication Event*), Szczecin 2019.
7. Gołaczyński J., Kotecka-Kral P., *Elektronizacja pism procesowych, doręczeń i posiedzeń jawnych w postępowaniu cywilnym w okresie pandemii COVID-19* (*Computerising Pleadings, Legal Document Service and Open Judicial Hearings in Civil Law Proceedings in Times of the COVID-19 Pandemic*), *"Polski Proces Cywilny"* 2020/4.
8. Gołaczyński J., Krzywonos A., *Prawo do sądu* (*Right to Fair Trial*), [in:] *Prawa i wolności obywatelskie w Konstytucji RP* (*Civic Rights and Freedoms in the Constitution of the Republic of Poland*), Warsaw 2002.
9. Goździaszek Ł., *Normy informatyczne w prawie postępowania cywilnego* (*IT Standards in Provisions Regarding Civil Law Proceedings*), *"Przegląd Sądowy"* 2017/2.
10. Izdebski H., *Legislacja dotycząca COVID-19 i ustawowy nihilizm prawny* (*COVID-19-related Legislation and Statutory Legal Nihilism*), [in:] T. Gardocka, D. Jagiełło (ed.), *Pandemia COVID-19 a prawa i wolności obywatela* (*The COVID-19 Pandemic and Civic Rights and Freedoms*), Warsaw 2021.
11. Izdebski H., *Perspektywy dostępu obywateli do europejskiego wymiaru sprawiedliwości* (*Outlook for Civic Access to European Justice*), [in:] H. Izdebski, H. Machińska (ed.), *Dostęp obywateli do europejskiego wymiaru sprawiedliwości* (*Civic Access to European Justice*), Warsaw 2005.
12. Jakubecki A., *Naczelne zasady postępowania cywilnego w świetle nowelizacji Kodeksu postępowania cywilnego* (*Supreme Principles of Procee-*

dings under Civil Law in Light of the Amended Code of Civil Procedure), [in:] *Czterdziestolecie Kodeksu postępowania cywilnego. Zjazd Katedr postępowania cywilnego w Zakopanem (7–9.10.2005)* (*Fortieth Anniversary of the Code of Civil Procedure. Convention of Chairs of Proceeding under Civil Law in Zakopane (October 7th-10th 2005)*), Warsaw 2006.
13. Kmiecik R., *O wyrokowaniu bez rozprawy i innych instytucjach karnoprocesowych* (*On Ruling without Trial and Other Institutions in Criminal Law Proceedings*), *"Prokurator"* 2000/3.
14. Korzan K., *Naczelne zasady wymiaru sprawiedliwości i naczelne zasady postępowania nieprocesowego* (*Supreme Principles of Justice and Supreme Principles of Non-Judicial Proceedings*), *"Rejent"* 2004/14.
15. Kościółek A., *Jawność posiedzeń sądowych w postępowaniu cywilnym w dobie pandemii COVID-19* (*Open Judicial Hearings in Civil Law Proceedings in Times of the COVID-19 Pandemic*), *"Przegląd Sądowy"* 2021/5.
16. Kościółek A., *Rozpoznawanie spraw na posiedzeniu niejawnym* (*Examining Civil Law Cases in Closed Judicial Hearings*), [in:] M. Tomalak (ed.), *Ius est a iustitia appellatum. Księga jubileuszowa dedykowana Profesorowi Tadeuszowi Wiśniewskiemu* (*Ius est a iustitia appellatum. Anniversary Volume Dedicated to Professor Tadeusz Wiśniewski*), Warsaw 2017.
17. Kościółek A., *Zasada jawności w sądowym postępowaniu cywilnym* (*Principle of Open Judicial Hearings in Civil Law Proceedings*), Warsaw 2018.
18. Kotecka P., *Informatyzacja postępowania cywilnego w Polsce* (*Computerising Civil Law Proceedings in Poland*), [in:] J. Gołaczyński (ed.), *Informatyzacja postępowania sądowego i administracji publicznej* (*Computerising Judicial Proceedings and the Public Administration*), Warsaw 2010.
19. Kulski R., *Wpływ stanu zagrożenia epidemicznego lub stanu epidemii ogłoszonego z powodu COVID-19 na postępowanie cywilne* (*Impact of the State of Epidemic Threat or State of Epidemic Emergency Proclaimed for Reasons of COVID-19 on Proceedings under Civil Law*), *"Monitor Prawniczy"* 2020/9.
20. Litowski J., O*graniczenie zasady jawności postępowania cywilnego z uwagi na stan epidemii wywołany COVID-19* (*Restrictions to the Principle of Open Judicial Hearings in Civil Law Proceedings for Reasons of the COVID-19-caused State of Epidemic Emergency*), *"Monitor Prawniczy"* 2021/2.
21. Łętowska E., *Głos w dyskusji* (*Debate Contribution*), [in:] T. Ereciński, K. Weitz (ed.), *Orzecznictwo Trybunału Konstytucyjnego a Kodeks*

postępowania cywilnego (*Constitutional Court Judicature in the Code of Civil Procedure Context*), Warsaw 2010.
22. Łuczak-Noworolnik L., A. Żebrowska, *Przeprowadzenie rozprawy i postępowania dowodowego drogą elektroniczną – założenia, cele, przyjęte rozwiązania* (*Holding Trials and Proceedings to Take Evidence via Electronic Communication – Assumptions, Goals, Adopted Solutions*), *"Polski Proces Cywilny"* 2018/3.
23. Machnikowska A., *Zasada jawności w postępowaniu procesowym – modernizacja czy marginalizacja? Wybrane zagadnienia* (*Principle of Open Judicial Proceedings – Modernisation or Marginalisation?*), *"Polski Proces Cywilny"* 2022/1.
24. Markiewicz K., *Informatyzacja postępowania cywilnego – „de lege lata" i „de lege ferenda"* (*Computerising Civil Law Proceedings – "de lege lata" and "de lege ferenda"*), [in:] K. Markiewicz, A. Torbus (ed.), *Postępowanie rozpoznawcze w przyszłym Kodeksie postępowania cywilnego* (*Exploratory Proceedings in the Future Code of Legal Procedure*), Warsaw 2014.
25. Mądrzak H., *Prawo do sądu jako gwarancja ochrony praw człowieka (studium na tle polskiego prawa konstytucyjnego, prawa cywilnego materialnego i procesowego)* (*Right to Fair Trial as a Guarantee of Human Rights Protection (Study against the Backdrop of Polish Constitutional Law, and Substantive and Procedural Civil Law)*), [in:] L. Wiśniewski (ed.), *Podstawowe prawa jednostki i ich sądowa ochrona* (*An Individual's Fundamental Rights and their Judicial Protection*), Warsaw 1997.
26. Pietrzkowski H., *Prawo do sądu (wybrane zagadnienia)* (*Right to Fair Trial (Selected Issues)*), *"Przegląd Sądowy"* 1999/11-12.
27. Rylski P., Zembrzuski T., *Rozpoznawanie spraw cywilnych na posiedzeniu niejawnym* (*Examining Civil Law Cases in Closed Judicial Hearings*), *"Przegląd Sądowy"* 2006/6.
28. Skibińska M., *Nowe technologie w służbie zasad jawności i ustności w postępowaniu cywilnym* (*New Technologies in the Service of Transparency and Orality Principles in Civil Law Proceedings*), [in:] D. Gil, E. Kruk (ed.), *Zasada postępowań sądowych w perspektywie ostatnich nowelizacji* (*Principle of Judicial Proceedings in the Context of Recent Amendments*), Lublin 2016.
29. Sławicki P., *Wpływ ustawy o przeciwdziałaniu COVID-19 na terminy w prawie cywilnym* (*Impact of the COVID-19 Prevention Law on Dates in Proceedings under Civil Law*), *"Monitor Prawniczy"* 2020/12.
30. Uliasz M., *Zasada jawności sądowego postępowania egzekucyjnego w dobie informatyzacji* (*Principle of Open Hearings in Judicial Enforcement Proceedings in Times of Computerisation*), Warsaw 2019.

31. Wengerek E., *Problem ustności i pisemności postępowania cywilnego* (*Issues of Oral and Written Aspects of Proceedings under Civil Law*), *"Nowe Prawo"* 1970/10.
32. Zalesińska A., *Wpływ informatyzacji na założenia konstrukcyjne procesu cywilnego* (*The Impact of Computerisation on Structural Assumptions of a Judicial Trial*), Warsaw 2016.
33. Zembrzuski T., *Elektroniczne postępowanie upominawcze a skuteczność ochrony prawnej w postępowaniu cywilnym* (*Electronic Writ of Payment and the Effectiveness of Legal Protection in Civil Law Proceedings*), [in:] *Skuteczność prawa* (*Effectiveness of Law*), T. Giaro (ed.), Warsaw 2010.
34. Zembrzuski T., *Koncentracja materiału procesowego – w poszukiwaniu właściwej drogi* (*Concentration of Evidence – on a Quest for the Correct Path*), [in:] M. Dziurda, T. Zembrzuski (ed.), *Praktyka wobec nowelizacji postępowania cywilnego. Konsekwencje zmian* (*The Practice Following Amendments to Civil Law Proceedings. Consequences of Change*), Warsaw 2021.
35. Zembrzuski T., *Nieważność postępowania w procesie cywilnym* (*Invalidity of Proceedings under Civil Law*), Warsaw 2017.
36. Zembrzuski T., *Ograniczenia jawności postępowania w sprawach cywilnych w dobie pandemii – potrzeba chwili czy trwałe rozwiązania?* (*Restrictions to Open Session Hearings under Civil law during the Pandemic – Need of the Hour or Permanent Solutions?*), *"Forum Prawnicze"* 2021/3.
37. Zembrzuski T., *Pozbawienie możności obrony praw strony w orzecznictwie Sądu Najwyższego* (*Divestment of Capacity for Defending the Rights of a Party in Supreme Court Case Law*), [in:] M. Tomalak (ed.), *Ius est a iustitia appellatum. Księga jubileuszowa dedykowana Profesorowi Tadeuszowi Wiśniewskiemu* (*Ius est a iustitia appellatum. Anniversary Volume Dedicated to Professor Tadeusz Wiśniewski*), Warsaw 2017.
38. Zembrzuski T., *Przeciwdziałanie i zwalczanie epidemii COVID-19 w postępowaniu cywilnym, czyli pożegnanie z kolegialnością orzekania* (*Preventing and Combatting the COVID-19 Epidemic in Proceedings under Civil Law, or Farewell to Collegiality in Judicial Ruling*), *"Polski Proces Cywilny"* 2022/1.
39. Zembrzuski T., *Skarga kasacyjna. Dostępność w postępowaniu cywilnym* (*Cassation Complaint. Accessibility in Proceedings under Civil Law*), Warsaw 2011.