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# Student Perceptions of the Premise of the Comprehensive Law Movement. Research Report

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***Abstract:*** The increasing crisis of the public judiciary, associated with the excessive length of court proceedings, the decline in public confidence in the institution and its excessive formalization, encourages the need to seek alternative methods of conflict resolution. According to the author, the answer to the above is the implementation of an innovative legal movement functioning under the name of Comprehensive Law Movement. The above-mentioned movement is based on the principles of positive influence of law, it promotes the development of internal virtues and at the same time revalorizes therapeutic elements in the process of law practice. In view of the multi-faceted nature of the application and social operation of law, holistic lawyers use a range of tools that constitute the modules of the Comprehensive Law Movement, such as Therapeutic jurisprudence, Procedural justice, Holistic justice, Creative problem solving, Preventive law, Collaborative law, Transformative Mediation, Restorative justice and Problem-solving courts. The development of the Comprehensive Law Movement in Poland and Europe is determined by the involvement of the legal communities, the raising of awareness of alternative methods of dispute resolution and appropriate therapeutically-oriented legal education. In order to study the possibility of implementation of the movement's elements, research was conducted to examine the potential recipients' attitudes towards the assumptions of the individual modules. The article describes the methods and presents the results of the conducted social research, with an indication of the influence of legal education and predispositions to perform particular legal careers on the acceptance of the various modules of the Comprehensive Law Movement.

***Keywords:*** alternative dispute resolution, sociology of law, Comprehensive Law Movement, social impact of law, legal consciousness.

This article presents the results of a survey conducted as part of research into the Comprehensive Law Movement (hereinafter referred to as "CLM"). The experimental research was aimed at researching the potential implementation of the movement in the Polish legal and social order by examining the attitudes of the research group to the specific postulates proclaimed

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by the forerunners of the particular modules (indicated in the following article) of the CLM. The exploratory research aimed at testing the potential of implementation of modules of the CLM in the Polish legal and social order by investigating the attitudes of the research group towards the main premises of particular modules, and developing further research methods.

At the outset, it should be emphasized that the CLM has a very rich theoretical and practical background. The possibilities offered by the CLM, connected with the possibility of a wide application and a large number of developed and described methods of procedure, undoubtedly bring the possibility of a significant contribution to the development of European legal culture. These circumstances are an inspiration for further exploration of the module and its elements. The pioneering character of the attempt made by Zienkiewicz to systematize and translate, as well as to lay theoretical foundations for the issue of multifaceted, interdisciplinary approach to law and legal professions in Poland, motivates to continue his work in the field of CLM (Zienkiewicz, 2018).

The study was characterized by particular innovation hence the working thesis assumed that "law students studying at the Faculty of Law and Administration of Maria Curie-Skłodowska University (MCSU) in Lublin perceive the need for changes in the process of applying the law aimed at its therapeutic properties".

In the study in question, a social group corresponding to the aim of the research was selected as the unit of analysis; therefore, the questionnaire was addressed to students of the Faculty of Law and Administration of the above-mentioned university, studying in the unified master's programme in the field of law.

When studying phenomena whose perception is influenced by numerous external factors, the duration of the study or observation must be precisely determined in order to avoid drawing erroneous conclusions. When planning the research, it is necessary to choose a cross-sectional or dynamic method. The former is characterized by a short time span and is most often adopted in exploratory and descriptive research. The dynamic method, on the other hand, provides for the observation of a given phenomenon over a longer period of time and is applied in the following cases: focusing on changes in a given population (trend research), changes in particular subpopulations (study of demographic cohorts) and panel research (Babbie, 2004, pp. 121–124). Due to the exploratory purpose of the study, a cross-sectional model was adopted in this paper and the research was conducted from April to June 2020.

The definition of the research method may be difficult for the researcher due to the number of catalogues of methods developed by the doctrine. However, it seems right to choose a general catalogue for social sciences, although this one does not fully reflect the essence of the problem in the present research. The

method used in the study bears the hallmarks of the interview method, although due to the content of the study, it also contains elements of the projective method, creating a kind of hybrid.

The interview method used in the study takes the form of a formalised interview with the use of a questionnaire, which is a list of questions addressed to the individual constituting the research group. The most important element of the above method is the construction of the questionnaire, which should be formulated in a way that is understandable for the recipient, the phrases used in the survey should be understandable for respondents representing different levels of expertise in the group, but at the same time specific enough to avoid ambiguity (Kojder, Cywiński, 2014, p. 207). Another requirement that is difficult to meet is the need to arrange questions in a way that not only does not suggest to the respondent an answer to the question (e.g. "Do you think that a good lawyer should devote more time to individual clients?") but also does not induce the respondent to give the answer "desired" by the researcher. In other words, questions should be neutral and non-tendentious (Kojder, Cywiński, 2014, p. 207). Another important element of a survey is the consistency of the system of questions, which should consistently and in the right order relate to the issues raised.

However, the interview method does not reflect the essence of the study, in order to carry out the study it was necessary to use elements beyond the above-mentioned interview method. The use of the projection method turned out to be a complementary element. The aim of the projective (or self-expressive) method is to "gain an in-depth insight into the personal, private views of the respondents, provide information about their needs, predispositions (attitudes), interests, emotional conflicts, personality traits [...]" (Kojder, Cywiński, 2014, pp. 203–206). The features of the projective method include the lack of knowledge of the aim of the research, which results in the lack of prior prediction of the expected answer by the respondent, thanks to which the research results are more reliable.

The hybrid interview and projection method used draws on techniques commonly used in projection methods – interviewing with a questionnaire, at the same time, not locking the respondent into a strictly defined framework, but giving some freedom of expression, while at the same time allowing the researcher to gain insight into the information characteristic of the self-expressive method.

Another element worth discussing is the type of research technique used in the form of an anonymous questionnaire. The questionnaire used in the research should be perceived within the meaning of the Łódź school, represented by Jan Lutyński, as an indirect form of communication between the researcher and the respondent, by means of a questionnaire in which the researcher does not participate directly in the act of filling in (Pieniążek, Stefaniuk, 2004, pp. 133–137). The

questionnaire research is characterized by three features: conducting on a representative group, with the use of an interview questionnaire or a questionnaire survey, processing the material in a quantitative way. In the literature, there are many types of questionnaire distribution methods, e.g. by mail, radio/telephone/ TV receivers, direct handing out. There may be also distinguished auditorium surveys and publicly available surveys (Pieniążek, Stefaniuk, 2004, pp. 133–137). Along with the development of modern technologies and social media, an effective method of surveying specific social groups – CAWI (computer-assisted web interview) (Żmijewska-Jędrzejczyk, 2004) was created, which was used in this research because of the ease and intuitiveness of filling in by the respondents, lack of technical problems connected with marking more than the required number of answers or (in some cases) illegibility of answers contained in open questions. It should also be mentioned that it was possible to test respondents in a safe manner due to the COVID-19 pandemic prevailing at the time of the survey. Another feature distinguishing CAWI from other methods is a very high level of return ability related to the lack of necessity to undertake additional actions in order to pass the survey to the researcher.

Questionnaire surveys are characterised by a number of question forms, including open, closed and semi-open questions. Open-ended questions allow for obtaining the broadest and most comprehensive answers, they do not impose on the respondent artificial response frames in which the respondent must "fit in", which is both an advantage and a disadvantage of the form, as the respondent may provide an answer that is too general or deviates from the question asked. Open-ended questions include introductory, opinion, factual, information source, knowledge, suggestion, follow-up and probing questions. In this study, due to its purpose, open questions addressed to respondents are mostly of the opinion and supplementary varieties. Closed questions contain only the answers provided by the researcher, which forces the respondent to choose the variant he/she identifies with the most. In this study, closed questions were both in the form of single-choice and multiple-choice questions. Another type of question used in the study was semi-open questions, having features of both previous variants. Compared to open-ended questions, semi-open questions reduce the risk of an answer going beyond the scope of the question by providing a set of potential answers, while at the same time allowing the possibility to introduce one's own variant (Pieniążek, Stefaniuk, 2004, pp. 136–137).

The above classification corresponds to the level of measurement that can be achieved by introducing questions in questionnaires that are diverse in form. The questions introduced by the researcher in the survey represented a broad level of measurement. Nominal measurement, which is responsible for the study of

variables with mutually separable values, was used in closed questions concerning, professional predispositions, participation in court hearings, or participation in optional ADR classes during the course of study. Ordinal measurement, referring to variables with values that can be logically ordered, was used, for example, in questions about the importance for the respondent of aspects of redress or reconciliation. The use of different levels of measurement allows for an exhaustive development of the issue examined in the questionnaire and an in-depth exploration of the variables that emerged during the conceptualisation and operationalisation processes.

Prior to the actual research, a pilot study was conducted, which is a special type of preliminary research that verifies the accuracy of the method chosen by the researcher to measure the phenomenon, the readability of the study by the respondent, the clarity of the survey questions and answers (in the case of closed and semi-open questions) and the respondents' reaction to the questions, which is to assess whether they are suggestive of an answer or cause discomfort. Nowadays many forms of *pilotage* can be distinguished, from in-depth *pilotage*, through cognitive interviews to conventional *pilotage*, which was used in the case of the above research (Grzeszkiewicz-Radulska, 2012).

Conventional piloting involves conducting a sample survey under conditions similar to those of the actual survey. After conducting the survey, the interviewers submit an oral or written report, in which they include comments on the content of the survey. In this study, a pre-test was conducted on a selected group of ten students, who indicated in their oral report that the survey was comprehensible, did not contain overly complicated nomenclature, technical errors and did not cause any negative feelings. In addition, some respondents indicated that the survey was interesting.

The survey contained fifty-four questions, of which closed questions made up the largest group of forty-six, including forty-five single-choice and one multiple-choice closed questions (Table 1). The respondents were asked to answer seven open-ended questions, of which only two were obligatory and the remaining five were free-form. In the survey, there was also one semi-open, multiple-choice question. At the end of the questionnaire there was a so-called "metric" containing four questions and one open question allowing respondents to write their comments on the questionnaire, while the remaining forty-nine questions referred to substantive issues related to the potential of implementation of particular modules of the CLM in the Polish legal and social order.

Table 1.

*Number of questions included in the questionnaire with breakdown by type*

| Type of question | Number of question | |
|---|---|---|
| Closed questions | 46 | |
| | Single-choice closed questions | 45 |
| | Multiple-choice closed questions | 1 |
| Open questions | 7 | |
| | Compulsory open questions | 2 |
| | Optional open questions | 5 |
| Half-open questions | 1 | |

*Source*: Author's own study.

Although it is common for social surveys to include a metric section in the final section of the questionnaire, the analysis of the survey should begin by presenting the results for gender, place of residence, age and year of study, as these are the primary variables considered in the analysis of the survey.

The study involved 104 respondents of which 62 were women and 42 were men, the above result corresponds to the expectations of the researcher as the distribution of the study group corresponds to the distribution typical of law students (Table 2). As an example, accurate data for the 2017/2018 academic year can be used, which shows that 1,553 people took up law studies at the Faculty of Law and Administration of MCSU, 1,277 of them in full-time mode, among them 753 were women (59.5%) and 524 men (40.5%) (Kępa, Pilipiec, 2018, p. 18).

Table 2.

*Numerical and percentage results for the gender of the respondents*

| Gender | Number | Participation |
|---|---|---|
| Female | 62 | 59.6% |
| Male | 42 | 40.4% |
| Total | 104 | 100% |

*Source*: Author's own study.

Another question of a metric nature, was the question of the place of residence, which is defined in Art. 25 of the Act of 23 April 1964 of the Polish Civil Code, and it is a place where a person resides with the intention of permanent residence, which should be understood as residence having the features of having the main centre of his/her personal and material interests. The majority of respondents came from big cities with over 100,000 inhabitants, 48 respondents

declared they came from a big city, the next biggest group of respondents were living in villages – 24, then in cities with over 50,000 to 100,000 inhabitants – 14. In case of respondents living in a city with up to 25,000 inhabitants and a city with over 25,000 to 50,000 inhabitants their number was 10 and 8, respectively (Table 3).

Table 3.

*Numerical and percentage results regarding the respondents' place of residence*

| Place of residence | Number | Participation |
|---|---|---|
| Village | 24 | 23% |
| City with up to 25,000 inhabitants | 10 | 10% |
| City with over 25,000 to 50,000 inhabitants | 8 | 8% |
| City with over 50,000 to 100,000 inhabitants | 14 | 13% |
| City with more than 100,000 inhabitants | 48 | 46% |
| Total | 104 | 100% |

*Source:* Author's own study.

Next, the respondents answered the question about their age, which was selected in the range of 18–21, 22–24, 25–29, 30 and more. The biggest part of the respondents was between 22 and 24 years old, their number was 72, then the biggest group were people between 18 and 21, their number was 29. The smallest group were people between 25 and 29, only 3% of the respondents (Table 4).

Table 4.

*Numerical and percentage results for age of respondents*

| Age | Number | Participation |
|---|---|---|
| 18–21 | 29 | 28% |
| 22–24 | 72 | 69% |
| 25–29 | 3 | 3% |
| Total | 104 | 100% |

*Source:* Author's own study.

The final metric question was about the year of study. First-year students represented 13%, second-year – 12%, third-year – 19% and fourth-year – 17%. The largest group was represented by fifth-year students – 38% (Table 5).

Table 5.

*Numerical and percentage results for the year of study*

| Year of study | Number | Participation |
|---|---|---|
| I | 14 | 13% |
| II | 12 | 12% |
| III | 20 | 19% |
| IV | 18 | 17% |
| V | 40 | 38% |
| Total | 104 | 100% |

*Source:* Author's own study.

Other variables that were decided to be taken into account at the planning stage of the study are the respondents' plans to practice their professions, participation in court hearings, mediation proceedings, classes in alternative dispute resolution, classes in psychological knowledge. According to the author, the above variables can have a significant impact on the perception of the different modules of the CLM.

The first single-choice question posed to the respondents was the question about their intention to practice a specific legal profession. Among the respondents, 51% declare their intention to practice as an advocate or attorney, slightly less (29%) are inclined to practice as a judge. The next largest group among the respondents are persons declaring their intention to practice the profession of a mediator (12%), followed by only 2% of prosecutors. A group of 7% consists of people who do not plan to work as an advocate, attorney, prosecutor, judge or mediator (Table 6).

Table 6.

*Numerical and percentage results on intention to pursue a specific profession*

| Profession | Number | Participation |
|---|---|---|
| Advocate/Legal advisor | 53 | 51% |
| Prosecutor | 2 | 2% |
| Judge | 30 | 29% |
| Mediator | 12 | 12% |
| Another profession | 7 | 7% |
| Total | 104 | 100% |

*Source:* Author's own study.

Another single-choice question, serving as a variable in the following part of the study, was to address the question regarding the presence of respondents at the court hearing. At the stage of operationalising the variables, there was no need to specify the branch of law under whose regime the trial took place. The task behind the choice of the above general question is to investigate whether attendance at the trial has an impact on the perception of the different CLM modules. Among the respondents, 76% attended the trial, while 24% gave a negative answer. It is worth noting that the single-choice question consisted of three options, as an additional option "I do not remember" was included, which was not marked by any of the respondents (Table 7).

Table 7.
*Numerical and percentage results for the declaration of participation in the court hearing*

| Variable | Number | Participation |
| --- | --- | --- |
| Yes | 79 | 76% |
| No | 25 | 24% |
| I don't remember | 0 | 0% |
| Total | 104 | 100% |

*Source:* Author's own study.

The third question asked respondents whether they had ever participated in mediation proceedings. As in question three, respondents could mark one answer from among: "Yes", "No", "I don't remember". 94.2% of the respondents did not participate in mediation proceedings, 4.8% declared their participation, while 1% marked the answer "I don't remember" (Table 8).

Table 8.
*Numerical and percentage results regarding the declaration of participation in mediation proceedings*

| Variable | Number | Participation |
| --- | --- | --- |
| Yes | 5 | 4.8% |
| No | 98 | 94.2% |
| I don't remember | 1 | 1% |
| Total | 104 | 100% |

*Source:* Author's own study.

The fourth and fifth questions related to the course of study. Students were asked to indicate whether, during their course of study, they had attended classes which included in their scope alternative dispute resolution methods (fourth question) and the subject of the psychology of conflicts (fifth question). As in the previous single-choice questions, the respondents chose one of three answers "Yes", "No", "I don't remember". 64.4% of the respondents did not participate in classes covering the topic of alternative dispute resolution methods, 33.7% declared their participation, and 1.9% marked the answer "I don't remember". The opposite situation can be observed in relation to the classes covering psychological knowledge. The majority (55.8%) of the respondents took part in the above-mentioned classes, 38.5% declared they had not, while 5.8% marked the answer "I don't remember" (Table 9).

Table 9.
*Numerical and percentage results regarding the declaration of participation in classes on alternative dispute resolution and psychological topics*

| Variable | Classes on alternative dispute resolution | | Classes on the psychology of conflicts | |
|---|---|---|---|---|
| | Number | Participation | Number | Participation |
| Yes | 35 | 33.7% | 58% | 55.8% |
| No | 67 | 64.4% | 40 | 38.5% |
| I don't remember | 2 | 1.9% | 6 | 5.8% |
| Total | 104 | 100% | 104 | 100% |

*Source:* Author's own study.

The last of the questions in terms of the variables used in the study and the course of study was a question about the respondents' opinions on the course counts and approach to alternative dispute resolution courses offered by the University. To the one-choice question that reads "Do you think that the study programme should place more emphasis on learning alternative dispute resolution methods?", the respondents answered as follows: 68.3% answered in the affirmative, much less, as 6.7% answered in the negative and 26.9% of the respondents did not express an opinion (Table 10).

Table 10.

*Numerical and percentage results on the need to impose a greater share of classes addressing alternative dispute resolution*

| Variable | Number | Participation |
|---|---|---|
| Yes | 69 | 68.3% |
| No | 7 | 6.7% |
| I have no opinion | 28 | 26.9% |
| Total | 104 | 100% |

*Source:* Author's own study.

Turning to the survey proper, which aimed to examine the potential for implementation of individual modules of the CLM, the respondents were presented with 26 closed and 6 open questions, of which one was obligatory, covering in its content the basic principles and features of the 9 modules constituting the CLM.

Questions 7 to 9 concerned the *Therapeutic Jurisprudence* (TJ) module. In the following questions, the respondents were asked to indicate on a semantic scale (points from 1 to 10) the value most relevant to the feelings of the student surveyed. In order to analyse the results obtained, a description of the scale was adopted for each question, where point 1 indicates the lowest option and point 10 the highest. Question 7 refers to the necessity to analyse the impact of the actions taken on the quality of the relationship between the parties, which, according to the author, is one of the most important elements of the TJ lawyer's work.

The majority of respondents (27.9%) believe that in addition to the legal analysis of the problem, the lawyer should also analyse the impact of the actions taken on the quality of the relationship between the parties, marking 7 points on the scale. Subsequently, the respondents completely agreed with the above statement (17.3%), and 15.4% of the respondents described their attitude as 8 points on a decimal scale (Table 11).

Table 11.

*Numerical and percentage results for question 7 of the survey*

| Variable | Number | Participation |
|---|---|---|
| 1 | 1 | 1% |
| 2 | 1 | 1% |
| 3 | 5 | 5% |
| 4 | 7 | 7% |
| 5 | 8 | 8% |

| | | |
|---|---|---|
| 6 | 11 | 11% |
| 7 | 29 | 28% |
| 8 | 16 | 15% |
| 9 | 8 | 8% |
| 10 | 18 | 17% |

*Source:* Author's own study.

The above results indicate that students feel the need for non-legal action in dealing with clients, which includes the analysis of not only the legal situation, but also the emotional sphere. An important variable used in the interpretation of the research results is the participation in classes that include psychological aspects in their scope. The research has shown that students taking classes in the basics of psychology feel a greater need to include therapeutic elements in the application of the law. The difference between participating and non-participating students is particularly evident in the responses with high values (Table 12).

Table 12.
*Numerical and percentage results on question 7 of the survey in the context of attending classes on psychology*

| Variable | Participating students | | Students not attending classes | |
|---|---|---|---|---|
| | Number | Participation | Number | Participation |
| 1 | 0 | 0% | 1 | 3% |
| 2 | 1 | 2% | 0 | 0% |
| 3 | 1 | 2% | 4 | 10% |
| 4 | 3 | 5% | 3 | 8% |
| 5 | 5 | 9% | 3 | 8% |
| 6 | 6 | 10% | 3 | 8% |
| 7 | 16 | 28% | 11 | 28% |
| 8 | 11 | 19% | 4 | 10% |
| 9 | 3 | 5% | 5 | 13% |
| 10 | 12 | 21% | 6 | 15% |

*Source:* Author's own study.

In the next question, respondents were asked to indicate the factors they consider to be key when a lawyer works with a client. Question 8, unlike the previous questions, was a multiple choice semi-open type question as the respondents were given the opportunity to express their own opinion or list their own characteristic that they consider to be key. These factors corresponded to the main tenets of the TJ lawyers' work and these were: the parties' mental health, mental well-being, seeking positive behavioral change, seeking positive personal transformation, an emotional life issue, none of the above. In terms of the parties' mental health, 66.3% of the respondents favored consideration of the above factor. However, caring for the mental well-being of the parties no longer arouses such enthusiasm in law students, with only 36.6% of the respondents in favor of such an action by the lawyer. Striving for positive behavioral change is approved by 50% of the respondents, while striving for positive personal transformation is approved by only 25%. The need to consider the emotional life of the client is supported by 34.6% of the respondents. 4.8% of the respondents believe that the lawyer should not interfere in the therapeutic and emotional sphere of the client, this group includes students of higher years (V and IV). The last question exploring the students' attitudes towards the TJ module was a question about the necessity of choice faced by TJ lawyers, namely making a choice whether it is individually more important for a lawyer to help more clients with their legal problems or to help fewer clients by taking into account their emotional needs? The need to weigh therapeutic and moral aspects over economic aspects caused consternation and the placement of students' choices towards economic factors. The largest group, 19% of the respondents, felt that helping more clients was more important than helping fewer clients with their emotional needs, choosing a score of 3 on a linear scale, while another group of respondents (17%) supported the "golden mean" and only 14% placed meeting emotional needs above economic factors (Table 13).

Table 13.
*Numerical and percentage results for question 8 of the survey*

| Variable | Number | Participation |
|---|---|---|
| 1 | 9 | 9% |
| 2 | 2 | 2% |
| 3 | 20 | 19% |
| 4 | 11 | 11% |
| 5 | 18 | 17% |
| 6 | 10 | 10% |

| | | |
|---|---|---|
| 7 | 10 | 10% |
| 8 | 15 | 14% |
| 9 | 4 | 4% |
| 10 | 5 | 5% |

*Source*: Author's own study.

The above issue concerns (among the legal professions) the most the advocates and attorneys, thus, it seems appropriate to examine the opinions of those who declare willingness to practice the above professions in order to examine the potential for adopting the assumptions of TJ. The analysis of the results indicates that the respondents declaring themselves to be advocates or attorneys are not willing to prioritise therapeutic values over economic ones, on a linear scale, 21% of the respondents marked item 3, 17% – item 4 and 13% – item 7 (Table 14).

Table 14.
*Numerical and percentage results of students declaring to practice as an advocate or attorney in the context of question 9 of the survey*

| Variable | Number | Participation |
|---|---|---|
| 1 | 5 | 9% |
| 2 | 2 | 4% |
| 3 | 11 | 21% |
| 4 | 9 | 17% |
| 5 | 6 | 11% |
| 6 | 3 | 6% |
| 7 | 7 | 13% |
| 8 | 5 | 9% |
| 9 | 2 | 4% |
| 10 | 3 | 6% |

*Source:* Author's own study.

The next questions relate to the *Procedural Justice* module (PJ). In order to explore the students' opinions on the above module, four closed questions and two open questions (optional) were formulated based on the main features and assumptions giving the researcher the opportunity to explore the respondents' opinions in more depth.

The first question referred to the source of the module, i.e. the possibility for the parties to actively participate in the trial. In a closed one-choice question, the respondents, by picking one of five options, expressed their opinion as to

whether, in their opinion, during the trial the parties have the opportunity to participate actively by speaking fully and uninterruptedly. The results of the survey are worrying. Only 4.8% of the respondents are convinced that the parties have the possibility of active participation in the trial by choosing the answer "Yes, definitely", 34.6% of the respondents claim that the parties have the possibility of free speech, while equally 24% of the respondents gave a negative answer, 35.6% of the respondents did not express their opinion. The above values change slightly in the case of students participating in the trial, the largest group (37%) believes that the parties are guaranteed the opportunity to actively participate through full and uninterrupted speech, while another slightly smaller group (30%) gives the opposite answer (Table 15).

Table 15.
*Numerical and percentage results for question 10 of the survey in the context of attending a court hearing*

| Do you believe that the parties to a trial have the opportunity to participate actively by giving full and uninterrupted notice? | Total students | | Students attending the hearing | |
|---|---|---|---|---|
| | Number | Participation | Number | Participation |
| No, definitely | 2 | 2% | 2 | 3% |
| No | 28 | 27% | 24 | 30% |
| I have no opinion | 30 | 29% | 16 | 20% |
| Yes | 34 | 33% | 29 | 37% |
| Yes, definitely | 10 | 10% | 8 | 10% |

*Source:* Author's own study.

In order to better understand the issue, the respondents were asked to justify their answers in an open question, where some respondents pointed out that "the parties rarely formulate a free response themselves", "during the trial, the parties' statements are mostly limited to answering questions, they themselves are too stressed to recount situations and outline the facts", "the transcription of words does not ensure the possibility of smooth and uninterrupted speech". One respondent directly referred to his experience by stating that "it often happens that the parties are not allowed to speak fully, which in my opinion is a sign of disrespect for the right to free speech".

The next question referred to the parties' actions during the adversarial process, namely acting in good faith. The majority of the respondents believe that the parties act in good faith (35%), while 24% expressed the opposite opinion, 36% of the respondents did not express an opinion in this regard. In the case of

student participation in the hearing, the situation is similar, the majority of the respondents (37%) believe that the parties are acting in good faith, although in relation to the total number of students, the percentage of the respondents who believe that the parties are not acting in good faith increases dramatically among the respondents who participated in the hearing, from 24 to 30% (in relation to those who did not participate in the hearing, the increase occurs between 4 and 30%) (Table 16). As in question 10, students were also given the opportunity to justify their position, among the opinions sent in, those of respondents who took part in court hearings stood out, observing that "parties have different motives for their behaviour, as a rule they only strive to win the case", "parties pursue their own interests, which in my opinion often contradicts their good faith, proceedings should be conducted in good faith", "usually a trial concerns an existing dispute between the parties, and is usually the final way of solving a problem existing between them. As such, it is usually accompanied by rather negative emotions and a desire to act solely for one's own benefit" and "I believe that very often the courtroom becomes a platform for the complete destruction of the opponent rather than for the achievement of consensus".

Table 16.
*Numerical and percentage results for question 11 of the survey in the context of attending a court hearing*

| Do you consider that the parties in an adversarial trial act in good faith and that the trial is conducted with this attitude? | Total students | | Students attending the hearing | |
|---|---|---|---|---|
| | Number | Participation | Number | Participation |
| No, definitely | 1 | 1% | 1 | 1% |
| No | 25 | 24% | 24 | 30% |
| I have no opinion | 37 | 36% | 22 | 28% |
| Yes | 36 | 35% | 29 | 37% |
| Yes, definitely | 5 | 5% | 3 | 4% |

*Source:* Author's own study.

In the next question concerning PJ, the respondents were asked to place on a scale from 1 to 10 where, respectively, point 1 meant disagreeing with the given statement and point 10 meant completely agreeing. In question 12, the respondents were asked to respond to the following question "Do you agree with the statement that the well-being of the parties, the feeling of being listened to during the trial, a convincing and understandable justification of the judgment is more

important for the parties to the proceedings than winning the case?". The vast majority of respondents disagree with this statement, the most popular answers being 3–16.3%, 4–15.4% and 1–12.5%.

Question 13 was based on the same assumptions as the previous question although it refers to the next module, which is *Holistic Justice* (HJ). The respondents were asked to respond to the following statement "Do you think that legal problems should be dealt with separately from the emotional side of the case?". The diversification of responses to the above question was unique to any other question in the survey, with 20.2% of the respondents believing that legal issues should be considered separately from the emotional sphere to a significant degree, giving a 7 on the decimal scale, 15.4% believing that legal and emotional elements should be considered equally, giving a 5 on the decimal scale, and 12.5% preferring the emotional sphere over *strictly* legal issues, giving a 3 on the decimal scale. The extreme answers obtained similar results, with 10.6% opting for a complete consideration of the emotional sphere, and 8.7% of the respondents considering only the legal sphere (Table 17).

Table 17.
*Numerical and percentage results for questions 12 and 13 of the survey*

| Variable | Do you agree with the statement that the well-being of the parties, the feeling of being listened to during the hearing, a convincing and understandable justification of the judgment is more important for the parties to the proceedings than winning the case? | | Do you think that legal problems should be dealt with separately from the emotional sphere surrounding the case? | |
|---|---|---|---|---|
| | Number | Participation | Number | Participation |
| 1 | 13 | 13% | 9 | 9% |
| 2 | 11 | 11% | 5 | 5% |
| 3 | 17 | 16% | 13 | 13% |
| 4 | 16 | 15% | 10 | 10% |
| 5 | 9 | 9% | 16 | 15% |
| 6 | 10 | 10% | 9 | 9% |
| 7 | 12 | 12% | 21 | 20% |
| 8 | 5 | 5% | 6 | 6% |
| 9 | 6 | 6% | 4 | 4% |
| 10 | 5 | 5% | 11 | 11% |

*Source:* Author's own study.

Due to the nature of question 13, it was found necessary to use an additional open-ended question to supplement respondents' answers. Those in favor of taking into account the emotional sphere justified their choice as follows: "I believe that a uniform line of jurisprudence and the application of rules in the way that the legal norms prescribe is necessary to maintain the stability of the legal system. Nevertheless, there are cases where the effect of their application on the emotional sphere accompanying the case should also be taken into account, because the law should serve people", "The law above all must reflect the public interest and the private interest of the parties, rigid legal norms are not always able to guarantee this", "All circumstances of the case, including emotional ones, should be taken into account".

One of the respondents gave an exceptional answer which, in the author's opinion, should be singled out because it actually reflects the essence of not only the HJ module but also relates to the core of the CLM "*Imperare sibi maximum est imperium* – this is the goal, difficult to achieve during the earthly pilgrimage. For me, a good lawyer-practitioner is also a psychologist who tries to answer the questions: why and for what purpose? These questions always arise in the course of settling a given case. They can make the client realize what he is really involved in, what his motives are – *ad fontes*! (of the problem)".

The respondents inclined to limit the emotional sphere in the process claim that: "it is the client's family and psychologists/psychotherapists who are responsible for taking care of the emotional zone. The lawyer should deal with the legal issues, and out of his respect for the client and empathy may come possible assistance in this area as well", "We must not allow emotions to influence the sober judgment of the situation", "Being guided by the emotional state could interfere with the proper, impartial action of lawyers" and "The main role of proceedings before a court or a mediator, which is to settle a dispute about the law, must not be lost. Only where the nature of the case indicates this should emotional considerations be taken into account".

The next three questions in the survey are related to the *Creative Problem Solving* (CPS) module. Questions 14, 15 and 16 asked the respondents to place on a semantic scale (points from 1 to 10) the value which best corresponded to the feelings of the student surveyed. In order to analyse the results obtained, a description of the scale was adopted for each question, where point 1 indicates the lowest option and point 10 the highest. The first question in general referred to the need to creatively seek alternative methods of conflict resolution beyond the court process. The majority of respondents largely supported the need to seek alternative methods of conflict resolution outside the court process, with 24% of the respondents marking point 8 on the decimal scale, followed by 20.2% of the respondents

answering this question by selecting point 7 on the scale, and 15.4% of the respondents marking points 9 and 10.

Taking the time each time to analyze an action for its effectiveness and side effects in order to resolve a dispute by an alternative method was favored by the majority of the respondents, with 27.9% marking the importance of the issue on a scale of 7, 16.3% of the respondents marking 6 on a decimal scale and 15.4% marking 5.

The need to demonstrate creative thinking beyond the framework of classical legal analysis was indicated by a vast majority of respondents, with 25% of those surveyed deeming it necessary, marking it as point 8 and giving it the highest importance, giving it 10 points on a decimal scale. Slightly less (23.1%) chose point 7 on the scale (Table 18).

Undoubtedly, the CPS assumptions were, of all the CLM modules, rated as the most important by the respondents.

Table 18.

*Numerical and percentage results for questions 14, 15 and 16 of the survey*

| Variable | Do you think a lawyer should act creatively in seeking alternative methods of conflict resolution beyond the court process? | | As a lawyer, would you choose to take the time each time to analyse an action for its effectiveness and side effects in order to resolve a dispute by an alternative method? | | Do you think that a lawyer should show creative thinking beyond the framework of classical legal analysis? | |
|---|---|---|---|---|---|---|
| | Number | Participation | Number | Participation | Number | Participation |
| 1 | 3 | 3% | 1 | 1% | 1 | 1% |
| 2 | 0 | 0% | 1 | 1% | 0 | 0% |
| 3 | 3 | 3% | 2 | 2% | 2 | 2% |
| 4 | 0 | 0% | 13 | 13% | 2 | 2% |
| 5 | 7 | 7% | 16 | 15% | 5 | 5% |
| 6 | 13 | 13% | 17 | 16% | 6 | 6% |
| 7 | 21 | 20% | 29 | 28% | 24 | 23% |
| 8 | 25 | 24% | 13 | 13% | 26 | 25% |
| 9 | 16 | 15% | 4 | 4% | 12 | 12% |
| 10 | 16 | 15% | 8 | 8% | 26 | 25% |

*Source:* Author's own study.

The next examined module was *Preventive Law* (PL), which has been covered in two questions. The respondents were asked to indicate on a semantic scale (points from 1 to 10) the values which best corresponded to their feelings. In question 17, the respondents were asked to give their opinion on the need to pay more attention to prevention. 25% of the respondents see the need for preventive action by ticking point 7 on the decimal scale, followed by 15.4% of the respondents who see a moderate need for preventive action by ticking points 5 and 6, just under 14.4% who see a strong need to change and start preventive action by ticking point 8 on the decimal scale.

In the second PL question, the respondents were once again asked to resolve the dilemma of taking additional, preventive action towards one customer versus being able to serve more entities. The respondents mostly favored the choice of preventive action aimed at a smaller number of entities. 19.2% of the respondents indicated point 8 on the decimal scale, slightly less (16.3%) indicated point 7, and points 6 and 10 were indicated by 12.5% of the respondents each (Table 19).

Table 19.

*Numerical and percentage results for questions 17 and 18 of the survey*

| Variable | Do you think lawyers should pay more attention to preventive measures? | | As a lawyer, would you be more inclined to provide comprehensive (preventive) services to several entities or *ad hoc* legal assistance to multiple entities. | |
|---|---|---|---|---|
| | Number | Participation | Number | Participation |
| 1 | 1 | 1% | 4 | 4% |
| 2 | 1 | 1% | 3 | 3% |
| 3 | 4 | 4% | 4 | 4% |
| 4 | 6 | 6% | 9 | 9% |
| 5 | 16 | 15% | 11 | 11% |
| 6 | 16 | 15% | 13 | 13% |
| 7 | 26 | 25% | 17 | 16% |
| 8 | 15 | 14% | 20 | 19% |
| 9 | 6 | 6% | 10 | 10% |
| 10 | 13 | 13% | 13 | 13% |

*Source:* Author's own study.

The next module surveyed was *Collaborative Law* (CL), to test students' views on the necessity of conflict resolution by interdisciplinary teams and to assess the relevance of involving members of different non-lawyer professions in the process of conflict management. Questions 20 to 26 comprised single-choice questions, with responses to questions 21 to 26 based on the principles of the semantic scale used previously.

The first question on the CL module concerned the respondents' general opinion on the appointment of interdisciplinary expert teams in the conflict resolution process. 45.2% of the respondents support the participation of experts from fields other than law in the process, 8.7% of the respondents do not see the need to involve experts from other fields, while 46.2% of the respondents do not have a formed opinion on the above.

The next questions concerned the usefulness of the involvement of specific professions in the broader conflict resolution process. Among the numerous professions supporting the work of a lawyer, the following were selected: psychologist, financial advisor, appraiser, psychiatrist and therapist. In order to organise the results of the study, the arithmetic mean of the "usefulness" ratings given by the respondents was used. The highest mean score, and, at the same time, the most important auxiliary profession was that of psychiatrist, with an average of 7.83. The respondents rated equally highly the usefulness of an appraiser (7.71) and a psychologist (7.58) in the process of conflict resolution. The lowest rating in this ranking was given to financial advisors, with an average of 6.87.

What is puzzling to the researcher is the correlation of high average ratings of the usefulness of particular non-legal professions together with a very high percentage of those declaring "no opinion" regarding the use of external experts. Thanks to a wide range of variables, it was possible to compare the result with gender, age, place of residence, current year of study and others, however, no relationship was found between any variable and the high percentage of the respondents declaring "no opinion" in question 20 (Table 20).

Table 20.
*Arithmetic mean for the assessment of the suitability of each non-legal occupation*

| No. | Profession | Average |
|---|---|---|
| 1 | Psychiatrist | 7.83 |
| 2 | Expert/Valuer | 7.71 |
| 3 | Psychologist | 7.58 |
| 4 | Financial advisor | 6.87 |

*Source:* Author's own study.

The next questions related to the CL module concern the respondents' orientation towards dispute resolution methods. In question 26, the students were asked to respond to the question "How important is it to seek a peaceful resolution of a dispute and to avoid »court battles«?". The vast majority of the respondents lean towards avoiding "court battles", 23.1% marked point 8 on the semantic scale in response to the above question. This was followed by 20.2% of the respondents marking point 7 and 12.5% marking point 6 (Table 21).

Table 21.
*Numerical and percentage results for question 26 of the survey*

| Variable | Number | Participation |
|---|---|---|
| 1 | 1 | 1% |
| 2 | 1 | 1% |
| 3 | 3 | 3% |
| 4 | 9 | 9% |
| 5 | 9 | 9% |
| 6 | 13 | 13% |
| 7 | 21 | 20% |
| 8 | 24 | 23% |
| 9 | 12 | 12% |
| 10 | 11 | 11% |

*Source:* Author's own study.

The last question in relation to the CL module is the issue of the so-called *linchpin feature*, a clause which obliges the lawyer to withdraw from the representation of the client if the attempt at an amicable resolution of the case fails. Only 11.5% of the respondents would sign such a clause, while the vast majority (67.3%) is against it and 21.2% of the respondents did not express an opinion.

The next module assessed by the respondents is *Restorative Justice* (RJ). It involves the introduction of the institution of "circles" and the involvement of the community in the conflict resolution process. In questions 28–33, the respondents were asked to comment on the main ideas of the module. The first RJ question was an assessment of the circle of people affected by the crime, the respondents were asked to identify the groups among: the victim, those closest to the victim and the community that they qualify as a circle of people affected by the crime. 91.3% of the respondents rightly identified the victim as the obvious victim of the tort, 78.8% chose to include the next of kin of the victim in the circle of those

affected by the crime, while only 26.9% consider the community as an entity to be included in the circle of those affected by the crime.

Another RJ question was a closed-ended question in which the respondents were asked to rate the importance of victim involvement in the process of achieving feelings of satisfaction and justice in the process. The answers were placed by the respondents on a semantic scale (1 to 10) where the lowest value was given by the respondents to low importance and the highest value was given to high importance of the involvement of victims in the process and achieving feelings of satisfaction and justice in the process. The vast majority of the respondents supported the idea of involving victims in the process with 26.9% marking 8 and 22.1% marking 9 and 10.

The next question related to the situation of perpetrators in the trial, the respondents were asked to rate the value of perpetrators' understanding of the impact of their acts on the victim and the community. As in the previous question, they were placed by the respondents on a semantic scale (1 to 10) where the lowest value was assigned by the respondents to low importance and the highest value to high importance of the perpetrators' understanding of the impact of their acts on the victim and the community in the process of criminal proceedings. The respondents rated RJ's performance in the above area highly, with 23.1% of the respondents giving the highest answer, 21.2% marking point 8 on the semantic scale, while points 7 and 9 were indicated by 17.3% of the respondents, each. The respondents were also asked to rate the importance of the perpetrator and the victim obtaining a feeling of closure and reconciliation. The vast majority of the respondents highly rated the necessity of the non-legal elements of reconciliation and obtaining a feeling of closure by the perpetrator and the victim, 24% of the respondents placed the necessity of reconciliation at point 8 on the semantic scale, 21.2% at point 7, and 13.5% considered the above prerequisites as extremely important by selecting point 9 on the decimal semantic scale. A controversial aspect of RJ is the proposal to include local communities such as faith groups or other NGOs in criminal proceedings. The respondents asked to respond to the above question showed a general reluctance to include communities in the process of criminal proceedings, 15.4% of the respondents on the semantic scale gave points 4 and 6, while 13.5% marked point 3 on the scale, the average score of the above question did not exceed the threshold of 5 points and was at the level of 4.63 (Table 22).

Table 22.
*Numerical and percentage results for questions 29, 30, 31, 32 and 33 of the survey*

| Variable | Assess how important it is for you in criminal proceedings to involve victims in the process and for them to achieve feelings of satisfaction and justice in the process. | | Assess how important you consider the offenders' understanding of the impact of their actions on the victim and the community to be in criminal proceedings. | | Evaluate how important it is for you in criminal proceedings to make reparation to the victims and to take steps to eliminate the offender's reason for committing the act (the aspect of the offender's inner transformation). | | Evaluate how important you consider the aspects of obtaining a feeling of closure and reconciliation between the offender and the victim in criminal proceedings. | | How do you assess the potential role of communities (e.g. faith groups as well as other non-governmental groups) in criminal proceedings. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Participation | Number | Participation | Number | Participation | Number | Participation | Number | Participation |
| 1 | 1 | 1% | 1 | 1% | 1 | 1% | 1 | 1% | 10 | 10% |
| 2 | 0 | 0% | 0 | 0% | 0 | 0% | 2 | 2% | 12 | 12% |
| 3 | 1 | 1% | 3 | 3% | 2 | 2% | 3 | 3% | 14 | 13% |
| 4 | 0 | 0% | 1 | 1% | 2 | 2% | 6 | 6% | 16 | 15% |
| 5 | 4 | 4% | 7 | 7% | 5 | 5% | 5 | 5% | 12 | 12% |
| 6 | 7 | 7% | 10 | 10% | 6 | 6% | 13 | 13% | 16 | 15% |
| 7 | 17 | 16% | 18 | 17% | 24 | 23% | 22 | 21% | 13 | 13% |
| 8 | 25 | 24% | 13 | 13% | 26 | 25% | 25 | 24% | 6 | 6% |
| 9 | 16 | 15% | 4 | 4% | 12 | 12% | 14 | 13% | 3 | 3% |
| 10 | 16 | 15% | 8 | 8% | 26 | 25% | 13 | 13% | 2 | 2% |

*Source:* Author's own study.

One of the last modules discussed in this study is *Transformative Mediation* (TM). Questions 34 to 42, in both single-choice and open-ended forms, indicate the main features and assumptions of the module, which were evaluated by the respondents. The first question asked about the additional function of the mediator, which according to the founders of TM, is to help the disputants to transform themselves. 41.3% of the respondents agreed with extending the role of the mediator, 28.8% disagreed and the rest (29.8%) had no opinion. For better understanding, the respondents were asked to justify their answers. The opponents of extending the mediator's duties argue that the mediator is not qualified to effectively help the parties and point to other professions, such as psychologist or therapist, which are qualified to deal with the subject. It also seems pertinent that one of the

respondents pointed out that too much interference in the emotional sphere may disturb the mediator's impartiality. Supporters, on the other hand, argued that "Often the parties who are involved in a dispute will not take into account the proposed solutions. A qualified mediator will help the parties to change their attitude, thus, making it easier to reach a consensus, and explain to the parties the consequences of behavior related to an emotional approach to the dispute on the immediate environment".

Questions 36 to 39 referred to the key competencies of a mediator necessary to practice the profession in the TM module. The following extraordinary qualities and skills were presented to the respondents: social communication, soft skills, empathy, knowledge of legal regulations, in order to show to what extent, in the opinion of the respondents, it is necessary to apply them in the profession of a mediator and which sub-threads of TM have a chance of implementation. The questions took the previously known form of a semantic scale, in which points from 1 to 10 corresponded to the value of the feelings of the respective student. For the sake of clarity, it was decided to present the results as an arithmetic mean.

The most desirable of the listed competences turned out to be social communication, which perfectly shows the role of a mediator, which is oriented towards reconciliation rather than resolution of a legal dispute. As the next most desired competence, the respondents indicated soft skills, followed by knowledge of the law and empathy (Table 23).

Table 23.
*Arithmetic mean regarding the assessment of the usefulness of the different qualities/competences when practicing as a mediator*

| No. | Profession | Average |
|---|---|---|
| 1 | social communication | 8.96 |
| 2 | soft skills | 8.29 |
| 3 | empathy | 7.81 |
| 4 | knowledge of legislation | 8.26 |

*Source:* Author's own study.

The last module studied is *Problem-Solving Courts* (PSC). In questions 40 to 44, the respondents were asked to respond to issues such as the importance of therapeutic aspects in criminal proceedings, long-term supervision of the offender by state authorities, identification of the degree of cooperation with community and governmental organizations in criminal and family matters, participation of local organizations in the justice system and other factors specific to the PSC module.

The first question addressed to the respondents in the context of PSC asked for their opinion to what extent the following aspects should be taken into account in criminal and family cases: therapeutic aspects such as forgiveness, inner transformation, reconciliation. The majority of the respondents think that it is very important to include these aspects, marking on a decimal scale the values 8–26%, 7–24% and 6–21%. In the next question, the respondents assessed the need for long-term supervision of the offender by state authorities. The necessity of conducting long-term supervision was approved by the majority of the respondents, on the decimal scale, point 7 was marked by 22.1% of the respondents, slightly less, because 20.2% marked point 8 on the scale, 16.3% marked point 10. 23.1% of the respondents in response to a question on the scale chose 6, followed by 21.2% of the respondents marking 7 and 19.2% marking 8, which indicates general support for the above postulate (Table 24).

Table 24.

*Numerical and percentage results for questions 40, 41 and 42 of the survey*

| Variable | To what extent do you think the following aspects should be taken into account in criminal and family matters: therapeutic aspects (forgiveness, inner transformation, reconciliation). | | To what extent do you think the following should be taken into account in criminal and family matters: long-term supervision by the authorities of the offender's attitude. | | To what extent do you think criminal and family cases should include: Cooperation with community and governmental organisations. | |
|---|---|---|---|---|---|---|
| | Number | Participation | Number | Participation | Number | Participation |
| 1 | 2 | 2% | 1 | 1% | 1 | 1% |
| 2 | 0 | 0% | 0 | 0% | 0 | 0% |
| 3 | 2 | 2% | 2 | 2% | 4 | 4% |
| 4 | 2 | 2% | 2 | 2% | 9 | 9% |
| 5 | 7 | 7% | 7 | 7% | 8 | 8% |
| 6 | 22 | 21% | 15 | 14% | 24 | 23% |
| 7 | 25 | 24% | 23 | 22% | 22 | 21% |
| 8 | 27 | 26% | 21 | 20% | 20 | 19% |
| 9 | 7 | 7% | 16 | 15% | 6 | 6% |
| 10 | 10 | 10% | 17 | 16% | 10 | 10% |

*Source:* Author's own study.

One of the most important aspects of the PSC is to relieve the burden of common courts by having minor offences resolved by local organisations. The majority of the respondents were negative about the above postulate, 55.8% of the respondents in response to question 43 on the above issue express opposition by giving the following arguments: “The court is the only legitimate and objective body, suitable for passing judgments”, “Only the courts are granted the attribute of independence by the Constitution, and judges are granted the attribute of independence. These two features are a necessary element of the individual’s right to a court (Art. 45 of the Constitution) and are followed by adequate guarantees that this right may be exercised at all. These two features are a necessary element of the individual’s right to a court (Art. 45 of the Constitution). I do not agree with this statement, because in the case of local organisations there could be underestimation of punishments, indecision and lack of unanimity in the case of »known« persons”, “Everyone is equal before the law and should be held accountable for an act constituting a crime before the justice system of the Republic of Poland. No local organisation can replace the court. A crime is a crime”, “Knowing the reality, these organisations would be incompetent in most cases”. 24% of the respondents, however, were willing to delegate some cases from the courts to local organisations, interestingly, all the justifications for the answers given in the following question referred to only one issue, which is the lengthiness of the proceedings: “There is too much bureaucracy in the courts, cases take years”, “Reduced number of cases in the courts – no protraction of more important proceedings”, “The courts are overloaded with small cases, solving them outside the court would increase the functional efficiency of the courts” – these are examples of respondents’ statements.

The last issue examined in the field of PSC is the opinion of students on the possibility of replacing imprisonment or fines with community service and other alternative punishments. This postulate met with widespread approval, with as many as 79.8% of the respondents in favour of the introduction of replacement community service, arguing their choice as follows: “Yes, if the person committing a minor offence is not significantly demoralised, in the case of whom there is a conviction that a punishment, which is an alternative to imprisonment or a fine, will be sufficient to accomplish the process of rehabilitation”, “Imprisonment should be applied only when the application of other, less severe punishments would not be sufficient to achieve the objectives of the proceedings”, “The punishment is to be individualized and more onerous. Sometimes community service could achieve the objectives of the punishment more effectively than, for example, imprisonment, if correlated with the specificity of the crime. Isolation punishment entails a lot of negative consequences, e.g. gradual internalisation of socially

disapproved norms, difficulties in social reintegration after its execution, loosening of constructive interpersonal bonds and construction of destructive moral condition. As far as the fine is concerned, a one-time payment of a certain amount may not go down in the memory so well as to result in constant reflection". Some respondents additionally indicate that "Research shows low effectiveness of re-socialisation methods" and also, "Minor offences committed for the first time may in combination with alternative penalties and education produce a positive effect". Opponents to the introduction of alternative punishment methods represent 10.6% of the respondents and justify their position by fears that community service will not effectively perform its preventive function.

In accordance with the research problem, which is to examine the feasibility of implementing individual CLM modules, after presenting the research results, it is necessary to move on to discussing the assumptions approved and rejected by the students.

The first to be analysed will be the findings from the *Therapeutic Jurisprudence* module. It should be emphasised that the students are enthusiastic about the idea of the therapeutic application of law, especially in terms of influencing the parties and the quality of their relationship. The vast majority more or less accept the necessity of seeking each time to consciously apply the law in a therapeutic way, and among the prisms of analysis they largely consider it necessary to examine the mental health of the party and to seek positive behavioural change. Fewer students, however, are convinced of the necessity to influence psychological well-being and the pursuit of positive personal transformation. The course of legal education has a high impact on the necessity to take into account the therapeutic action of the law; among students attending optional classes in alternative dispute resolution and psychological knowledge, a higher increase in the acceptance of solutions imposed by *Therapeutic Jurisprudence* can be observed. The acceptance or recognition of the therapeutic action of the law, however, encounters an obstacle when considering the time that must be devoted to individual clients in order to apply it. The majority of students, despite their previous answers, do not recognise the limitation related to the need to limit the number of clients that is inherent in individualised and therapeutically-oriented practice. In view of the above, it could be concluded that the TJ module has a high potential for application due to its highly moral features, however, its widespread application requires a change in students' orientation from conducting economically-oriented practice to therapeutically-oriented practice which is the *sine qua non* of module implementation. In the author's opinion, the change in focus can be achieved by increasing the proportion of classes focused on alternative dispute resolution methods and on psychological knowledge in the curriculum.

With reference to the possibility for the parties to actively participate in the trial, which is the starting issue in the PJ module, respondents are skeptical about the possibility for the parties to speak freely during the trial regardless of the respondent's participation or not in the trial. A similar situation applies to the appearance of *bona fide* parties. The reference point in the PJ is a kind of institution of "satisfaction of the parties" which can be achieved by guaranteeing certain standards of the proceedings as well as the resulting feelings of the participants, however, the respondents mostly disagree with the statement that the well-being of the parties, the feeling of being listened to during the hearing, convincing and understandable justification of the judgment is more important for the parties to the proceedings than winning the case. In view of the above, it should be concluded that PJ on the basis of the conducted experimental and general research does not meet with general approval.

The next module, *Holistic Justice*, is admittedly more enthusiastic than *Procedural Justice*, although it is important to note the split among the respondents in support of this idea, the diversification of responses on HJ issues being unique to all other modules.

*Creative Problem Solving* received the most support among all the other modules. Most of the respondents largely supported the need to look for alternative methods of conflict resolution beyond the court process. An interesting phenomenon is the juxtaposition of the assumptions of *Therapeutic Jurisprudence* rejected by the majority of the respondents due to the necessity to devote their working time to non-legal activities, and the positive attitude of the respondents towards every analysis of the undertaken activities in terms of their effectiveness and side effects, and alternative methods of dispute resolution. The students also support the idea of creative thinking going beyond the framework of classical legal analysis. Such high scores related to the CPS module indicate the necessity of conducting further, targeted research in order to investigate the potential directions of development of the current in the Polish legal and social order, and then to enable pioneering attempts of solving conflicts in a way and with the use of the CPS module tools.

The *Preventive Law* module aroused interest and support among the students to a similar extent as CPS. The respondents largely agree that more attention should be paid to preventive actions. Despite the fact that the preventive approach to law foresees a wider range of obligations for lawyers taking an active role in dispute resolution and the PL module itself recommends lawyers to be proactive in approaching their clients and discerning their environment, the respondents mostly opted for a preventive action aimed at fewer entities, which contradicts the answers given in the questions asked in the course of the survey on attitudes

towards the *Therapeutic Jurisprudence* module. However, based on the above, the following conclusion can be drawn – preventive actions have more support than therapeutic actions, although they are undoubtedly narrower in scope.

As with CPS, the PL module requires further targeted research to explore the potential directions of the module in the Polish legal and social order. A large group of respondents supports the functioning of interdisciplinary teams of experts and the use of experts' opinions as incidental participants of the debates, providing their knowledge and advice on an *ad hoc* basis. The respondents once again gave unexpected answers, the justification of which would require conducting qualitative interviews within the framework of already concrete research on the module, as they pointed to a psychiatrist as the most useful expert involved in the broadly understood process of conflict resolution, which, according to the author, indicates the recognition of therapeutic aspects in the process of conflict management. The problem with the implementation of the *Collaborative Law* module, however, is the scant support for the controversial withdrawal clause, assuming the withdrawal of the attorney before the court proceedings in case of failure of conciliation.

In the author's opinion, the above results demonstrate the necessity to undertake further research in order to create a tailor-made, hybrid *Collaborative Law* model that would have a chance to exist in the Polish legal and social order.

The next module that is controversial among the respondents is the *Restorative Justice* module. While the respondents universally support the need to focus the process on the victim, and a large proportion agree with including the victim's next of kin in the circle of those affected by the crime, a clear minority chose to qualify the community as an entity to be included in the circle of those affected by the crime. The lack of support for including the community in the process precludes the use of many of the effective and proven tools offered by the RJ module, such as "circles", for example. The inclusion of local communities such as faith groups or other NGOs in criminal proceedings is also met with disapproval by respondents.

Other postulates such as the necessity for perpetrators to understand the impact of their acts on the victim and the community or the necessity for extra-legal elements of reconciliation and obtaining a feeling of closure by the perpetrator and the victim, which can be regarded as key in the RJ module, were indicated as highly desirable in the process, which on the one hand, opens the way for RJ to exist in the Polish legal and social order, while at the same time indicating the high importance of therapeutic elements for the study group, which should include "understanding" and "reconciliation", which once again contradicts the answers given earlier.

The penultimate module of the study is *Transformative Mediation*, which, although derived from *Problem-Solving Mediation*, does not show such a high level of support. The respondents expressed a moderate approval of the single assumptions of the module, such as extending the role of the mediator to include therapeutic activity consisting in leading the process of dispute resolution in a way that enables the party to restore its own value, strength and ability to resolve future conflicts independently. The postulates imposing obligations on active mediators to be competent in the fields of social communication, soft skills, empathy and knowledge of legislation were very positively received.

The last module – *Problem-Solving Courts* – is a peculiar hybrid of therapeutic activities, reluctantly accepted by the respondents, and preventive activities, widely acknowledged by the respondents. Postulates such as the inclusion of therapeutic aspects in the conduct of trials, ongoing judicial intervention, observation and ongoing response to negative changes in behaviour and cooperation with community and governmental organisations met with general approval, while the postulate to relieve the burden of common courts by resolving minor crimes by local organisations, which is the result of effective and documented activities of similar institutions around the world, met with majority opposition. The application of solutions of PSC especially in the area of exclusion of cognition of minor crimes is a proven and common solution which makes it possible not only to relieve the courts but it also brings many beneficial values to the victim, the perpetrator and the whole community. In the author's opinion, due to the fact that the respondents perceive numerous advantages of the module, a qualitative interview should be conducted, in which the researcher will have a chance to present the threats (known to the respondents) and advantages (there is a high probability that they are not known to the respondents) of the PSC and on the basis of the results once again determine the real possibilities of its implementation in the Polish legal and social order.

Considering the above, the working hypothesis of the study assuming that "law students studying at the Faculty of Law and Administration of Maria Curie-Skłodowska University perceive the need for changes in the process of law application directed towards its therapeutic properties" can only be partially confirmed. Some modules, such as *Creative Problem Solving* or *Preventive Law*, have a good chance to be disseminated in the Polish practice of conflict management. Other modules need further research. Another finding of the study is that students mostly perceive the need for education in psychology and alternative methods of conflict resolution, which directly correlates with an increase in support for the solutions and ideas that the CLM brings.

The above work containing experimental research opens the possibility for further research in order to adapt the given modules to the needs of the Polish legal and social order. There is no doubt that the application of the solutions presented by the individual modules of the CLM carries the possibility of a positive impact of the law on its subjects, develops awareness and strengthens social ties, and provides a solution to the current problems faced by the traditional dispute resolution system.

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## Postrzeganie przez studentów przesłanek Ruchu na rzecz Prawa Kompleksowego. Raport badawczy

***Streszczenie:*** Narastający kryzys sądownictwa powszechnego, związany z nadmierną długością postępowań sądowych, spadkiem zaufania społecznego do tej instytucji oraz jej nadmiernym sformalizowaniem, skłania do poszukiwania alternatywnych metod rozwiązywania konfliktów. Zdaniem autora, odpowiedzią na powyższe jest wdrożenie innowacyjnego ruchu prawniczego funkcjonującego pod nazwą Ruch na rzecz kompleksowego prawa (Comprehensive Law Movement). Wspomniany ruch opiera się na zasadach pozytywnego oddziaływania prawa, sprzyja rozwojowi wewnętrznych cnót, a jednocześnie rewaloryzuje elementy terapeutyczne w procesie uprawiania prawa. Z uwagi na wieloaspektowy charakter stosowania i społecznego funkcjonowania prawa, prawnicy holistyczni wykorzystują szereg narzędzi, które stanowią moduły Ruchu Kompleksowego Prawa, takie jak: orzecznictwo terapeutyczne, sprawiedliwość proceduralna, sprawiedliwość holistyczna, twórcze rozwiązywanie problemów, prawo prewencyjne, prawo kolaboracyjne, mediacja transformacyjna, sprawiedliwość naprawcza oraz sądy rozwiązujące problemy. O rozwoju Ruchu na rzecz Prawa Kompleksowego w Polsce i Europie decyduje zaangażowanie środowisk prawniczych, podnoszenie świadomości w zakresie alternatywnych metod rozwiązywania sporów oraz odpowiednia edukacja prawnicza ukierunkowana terapeutycznie. W celu zbadania możliwości wdrożenia elementów ruchu przeprowadzono badania mające na celu określenia postaw potencjalnych odbiorców wobec założeń poszczególnych modułów. W artykule opisano metody i przedstawiono wyniki przeprowadzonych badań społecznych, ze wskazaniem wpływu wykształcenia prawniczego i predyspozycji do wykonywania poszczególnych karier prawniczych na akceptację poszczególnych modułów Kompleksowego Ruchu Prawniczego.

***Słowa kluczowe:*** alternatywne metody rozwiązywania sporów, socjologia prawa, Ruchu na rzecz Prawa Kompleksowego, społeczne oddziaływanie prawa, świadomość prawna.