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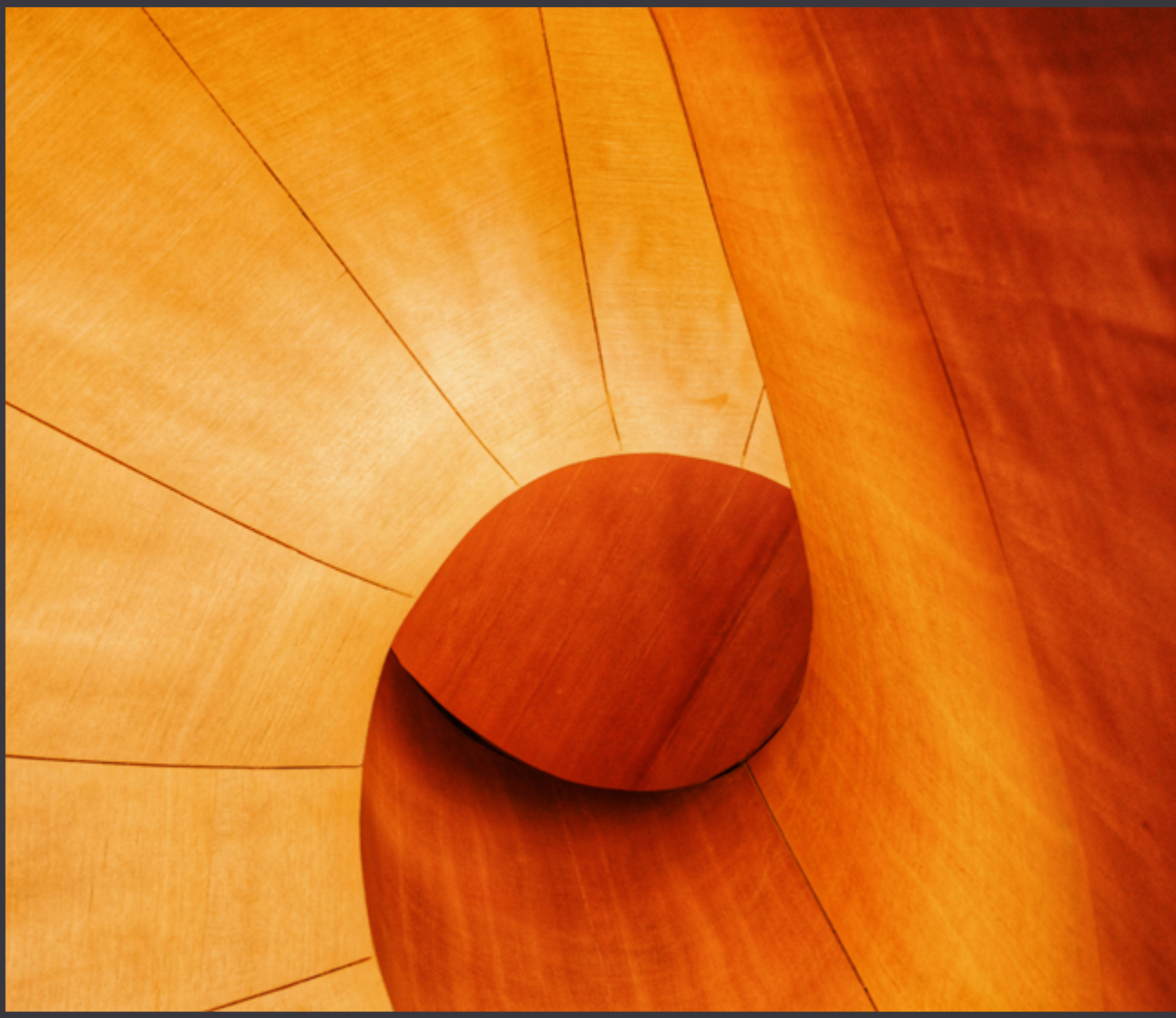

Docendo Discimus

Audiatur et altera pars

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Dear Readers!

We hereby present the first issue of the biannual academic journal of the Student Association of Law and Administration at WSB University, "Docendo Discimus". The journal was established at the initiative of Martyna Kucharska-Staszel, Attorney-at-Law, with the support of the faculty at the Department of Law and Administration at WSB University. The initiators intended to present the intricacies of the law in a simple, understandable way. The journal is addressed not only to Law or Administration students but also to the entire academic community of WSB University and its supporters. In this issue of "Docendo Discimus", you can read an interview that Martyna Kucharska-Staszel, Attorney-at-Law, conducted with Alina Prochasek, a board member of the Foundation for the Development of the Education System, as well as the following articles: "Can I Attend a Civil or Criminal Hearing Which I Am Not a Party to?" by Natalia Łaskawiec, "Amendment to the Animal Protection Act – Key Changes and Their Significance" by Anna Nowicka and Nikola Bargieła, "Specific Aspects of Medical Malpractice Claims" by Kacper Pawelec, and "The Significance of Expert Witness Opinions in Criminal Cases Involving Medical Doctors and Dental Practitioners" by Julia Grabowska. The last two articles were prepared on the initiative and under the supervision of Marta Imiołczyk-Porębska, Attorney-at-Law, in connection with the 1st "Law and Medicine" Scientific Conference 2025 held on 11 December 2025 at WSB University.

Photo reports from events that were recently organized by the Department of Law and Administration at WSB University are presented at the end.

dr Mateusz Popiel

Assistant Professor at WSB University
Editor-in-Chief

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Alina Prochasek – a law graduate from the Faculty of Law and Administration at the University of Silesia, an educator and non-formal education trainer, and a former chair of the National Youth Council of Poland. Currently a board member of the Foundation for the Development of the Education System. In recent years, she has completed dozens of educational and international projects, cooperating with young people from Poland, Europe, and Asia, including China, Indonesia, and Central Asia. In an interview with Martyna Kucharska-Staszel, Attorney-at-Law and supervisor of the "Docendo Discimus" Student Association of Law and Administration at WSB University, Alina Prochasek agreed to tell our readers about her professional career, the key role law studies played in her professional development, and in gaining the skills that helped her cope with various challenges, as well as about working with young people and the competencies they should develop today.

From Articles to Erasmus: How Law Became the Foundation of Educational Mission

MARTYNA KUCHARSKA-STASZEL: Your professional path combines law, education, and youth activism. At what point did you realize that working with and for young people would become your main mission?

Alina Prochasek: A sense of mission focused on supporting young people had stayed with me for years, although I was unable to name it for a long time. Engaging in dialogue and activities with the youth is not a named profession, which is why I was looking for my path for a long time.

However, the period of my studies played a key role for me. Beyond academic responsibilities, getting to know people and their stories also became important to me. It was then that I learned about EU projects and the Erasmus Program. After my first youth exchange, I felt that I wanted to develop in this area. The fact that such initiatives were not widely promoted among young people at that time gave me additional motivation to take action. Since that moment, I have been involved with third-sector organizations, the goal of which was to reach young people alongside my legal career. The youth municipal councils, district councils, and province assemblies that were developing at the time allowed me to combine my experience with the real needs. I decided to do everything in my power to ensure that as many people as possible in my district, in Silesia, and, over time, as it turned out, around the world, could benefit from such experiences.

You are a member of the board of the Foundation for the Development of the Education System (FRSE), which is very important to the Polish education system and strongly supports it. Tell me, how has this influenced your professional development and your understanding of the challenges faced by the Polish education system?

Working at FRSE is an extraordinary adventure at every level. It allows me to broaden my horizons and embrace new experiences, which aligns with the motto of the Erasmus program. Many years ago, when I was just becoming familiar with the structure and functioning of FRSE, I thought that I would like to work there because where else could one support the youth so effectively?

My current work is very dynamic, and I strive to meet the challenges presented by the education system. The Erasmus+ Program comes to the rescue – starting with mobility and educational partnerships at the school education and professional training levels, up to higher education.

We must not forget that FRSE also manages projects under Poland's Recovery and Resilience Plan (KPO), where 1.8 billion PLN has been allocated to create Centres for Professional Skills and develop a lifelong learning policy in the regions. Additionally, we are carrying out bilateral projects under the European Funds for Social Development (FERS).

This range of projects demonstrates not only the potential but also significant challenges. The ability to negotiate and develop methods of compromise between multiple entities and partners is crucial in my work. We support many areas of education, but there is still much ahead of us, as their scale is enormous.

As an example of novelty in our activities, I am extremely pleased that next month I will be able to announce further grants from the Norway Funds. The grants will provide new opportunities and enable teachers, the school community, and the youth to develop a non-formal education approach within civic and climate education.

You were at the forefront of the largest Federation of youth organizations in Poland. What challenges did you face at the beginning of this role, and what was the biggest breakthrough for you?

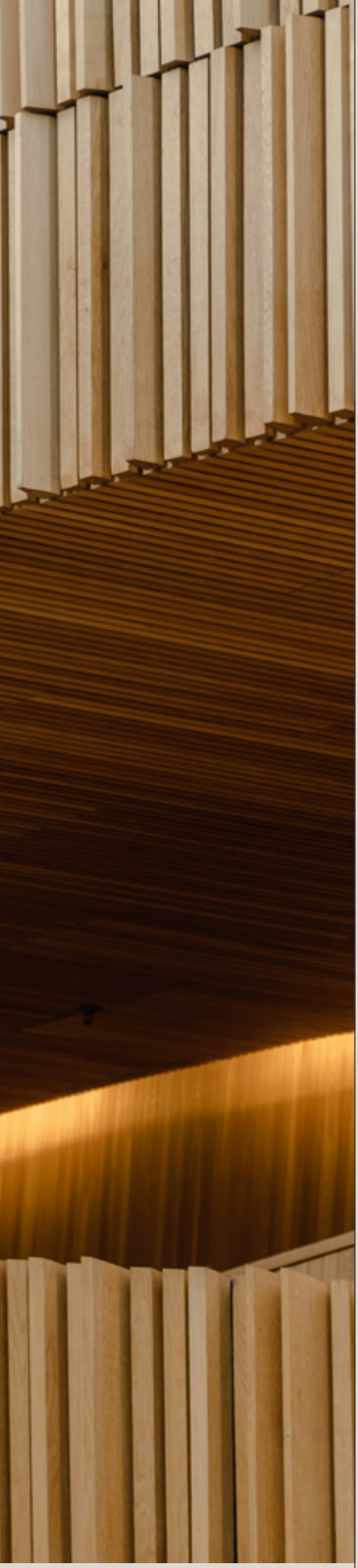
The experience I gained during my studies and through collaboration with various institutions and communities proved crucial in fulfilling my mission as the chair of the Federation of Polish Council of Youth Organizations (PROM). As a chair, I focused on dialogue – I met with organizations, listened to their needs, and built cooperation.

This allowed me to meet many fascinating people at both the provincial and national levels. There is no denying that my foundation has always been legal knowledge, the experience I gained during my studies and work at a law firm, as well as the soft skills I developed while traveling across Europe and beyond.

Thanks to the opportunities provided by the projects, I developed cultural, language, and soft skills. I would not get far without that. I had some concerns when I was offered the position of chair of the Federation, but I was not afraid. I knew that my knowledge and experience would allow me to support the organization.

Working at the Federation is highly specific. Above all, I realized that despite the status and goals of the Federation, it is necessary to consider the political aspects and learn to collaborate in environments representing diverse interests, which was undoubtedly challenging. One has to remember about members, but maintaining the structure and using every available tool to develop the organization's activities was equally important.

I can say, with great pride, that during my time at PROM, a reform introducing new rules for the establishment and functioning of the youth councils at the municipal, district, and provincial levels was implemented. Although these are consultative bodies, it led to the emergence of a youth movement and the activation of young people. Participating in the legislative process of lawmaking in Poland, as well as in consultations and the development of youth strategies at the European level, was a fascinating adventure. As a young girl, I would never have imagined that one day I would be involved in this field and collaborate with people from across the EU to jointly develop a resolution on youth policy.



I have to admit that my legal knowledge was useful, if only in envisioning what a given legal act might look like and what to pay particular attention to. I really did not expect to be part of this wonderful undertaking. The process of creating the European law was a real game-changer. Working at PROM was also a real school of life. People from different cities and provinces with diverse experiences and ideas would come together in one place, and suddenly they would start discussing educational needs, identifying common challenges, and developing strategies. Each of us is different and sees certain areas differently, but it is important that new projects can emerge from these differences.

You collaborated with young people from Europe and Asia, including China, Indonesia, and Central Asia. What did you learn from these experiences in terms of the needs and potential of the youth, regardless of the country?

These experiences taught me one thing: I can live anywhere in the world, I can be born anywhere, but as a human being, I have the same rights and needs. It does not matter whether I am Polish or Indonesian. I have the right to self-fulfillment, agency, fair pay and work, and to happiness. Every person deserves respect and happiness, regardless of their origin, skin color, or creed.

As a non-formal education trainer, which skills do you think young people should develop the most?

I believe there are eight key competencies, namely communication in native and foreign languages, scientific, technological, engineering, and mathematical competencies (STEM), digital skills, the ability to learn, personal, social, and entrepreneurial competencies, as well as cultural awareness and expression.

They should serve as the basis for educational programs for the youth. I have always emphasized the need to be innovative, entrepreneurial, and flexible. We cannot forget the first step, which is getting to know oneself and one's learning style. If we are equipped with this knowledge, we can learn anything and apply these skills in practice.

How have your law studies influenced the way you think, make decisions, and work with people? Are there any legal skills that are particularly useful to you today in your social and educational work?

Law studies were, above all, a period of developing my learning skills. I needed to hear and discuss certain things, then I could remember the material more easily. The period of my studies was a time of discovering my potential and capabilities. Working alongside ambitious people has taught me the value of compromise and effective communication.

My first professional experiences during student internships required applying the knowledge in practice, which significantly broadened my horizons. My studies taught me the skills of getting to know myself, my working style, my learning style, and understanding what I am good at and what I could still develop. My reflection is that self-awareness and systematically pushing your boundaries yield the best results.

From the perspective of someone who has studied law: do you think that studying law today offers broader career opportunities, even for those who do not plan to take legal training, and why should one think about this field of study more flexibly?

I remember the moment when I informed my family, friends, and colleagues at the law firm that I wanted to develop in the field of European educational projects. The desire to grow and discover something new was behind this decision. For me, as someone who has studied law, combining this knowledge with non-formal education and the functioning of youth councils created a unique path.

I knew what I wanted to do, so I went all in. Today I know it was the right decision. Law studies broaden horizons and provide great opportunities. However, it is important to start seeking your own path and gaining experience while still at university.

If you could give one piece of advice to our readers who want to work in the field of non-formal education but are not yet confident in their abilities and don't know how to start, what would it be?

I strongly recommend taking advantage of the opportunities offered by the Erasmus+ Program. You should try your hand at travelling to another country for training or a youth exchange. Experiences like these give a new perspective on education and the opportunity to understand it from the point of view of non-formal education. Exploring your own potential, analyzing projects, and drawing conclusions enriches a person both culturally and practically.

I strongly encourage everyone to participate in educational projects—perhaps one of the readers will try it and fall in love with European education as I did. Perhaps our paths will cross as we work to reshape education in Poland.

Translated by Magdalena Hofler

INTERVIEWED BY
adw. Martyna Kucharska-Staszel
Attorney-at-Law

A Citizen in Court.

Can I Attend a Civil or Criminal Hearing Which I Am Not a Party to?

Natalia Łaskawiec
Law Student at WSB University

One of the fundamental principles of proceedings in Poland is the open court principle. Its special character is established by the regulation in the supreme law – Art. 45 of the Constitution of the Republic of Poland [1]. This provision in the para. 1 states that everyone has the right to a fair and open hearing without undue delay by a competent, independent, and impartial court. The open court principle is crucial because of its guarantee function. It prevents a situation in which proceedings are conducted in secrecy from the public, without control of the proper course of the hearing, and in violation of fundamental human rights.

Openness in the constitutional sense has an external character, meaning it refers to third parties, i.e., those who are not parties to the case, such as witnesses or expert witnesses. Courtrooms are therefore open to the public. Access to the hearing is available to individuals interested in the subject of the proceedings, who will most likely keep the course of the hearing to themselves, as well as to media representatives, for example, television, who can share information about the course and the judgment with a wide audience.

The Constitution of the Republic of Poland does not specify exactly who may attend a hearing as a member of the public, as the Codes do, but it does stipulate restrictions on the open court principle. Art. 45 (2) of the Constitution of the Republic of Poland states that the decision to close the hearing to the public may be made due to morality, state security, and public order, as well as for the protection of the private lives of the parties to the proceedings or other important private interest. The judgment, however, is always announced publicly. The

1 The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, No 78, Item 483, as amended).

decision to close the case to the public is, by definition, exceptional in nature and should additionally have a statutory basis.

The Code of Criminal Procedure (hereinafter referred to as the CCP), Arts. 355-364, devotes the entire Chapter 42 to the issue of openness in criminal cases[2]. As a rule, the hearing is open, and a decision to close the hearing to the public can be made in whole or in part if openness could cause a public nuisance, offend public decency, reveal circumstances which should be kept secret due to an important state interest, or violate an important private interest; the same applies if at least one of the defendants is under 18 years of age, for the duration of the interrogation of a witness under 15 years of age, or at the request of the person who filed a motion for prosecution (Art. 360 § 1 of the CCP). The prosecutor may, however, object to the decision to close the hearing to the public (Art. 360 § 2 of the CCP). The above circumstances constitute optional grounds. A hearing shall be mandatorily closed to the public if it concerns the prosecutor's request to dismiss the case on the grounds of insanity and to apply protective measures, as well as in defamation and insult cases; however, at the request of the aggrieved party, the hearing shall be held in public (Art. 359 of the CCP). Unarmed persons of age may attend the hearing as members of the public (Art. 356 § 1 of the CCP). Nevertheless, the Presiding Judge may permit the presence of minors and persons required to carry arms (Art. 356 § 2 of the CCP). Under no circumstances may persons who violate the dignity of the court participate in the hearing (Art. 356 § 3 of the CCP). Representatives of the mass media present in the courtroom may record images and sound from the course of the hearing with the court's permission. The court may additionally specify the conditions for the participation of mass media representatives in the hearing, limit their number, designate those authorized to record images and sound, and even order them to leave the courtroom due to, for example, a public nuisance (Art. 357 of the CCP). Pursuant to the Constitution, the Code requires that the announcement of the judgment shall be public; however, if there is a decision to close the hearing in whole or in part, the statement of reasons for the judgment may be given with a decision to close the hearing to the public in whole or in part (Art. 364 of the CCP). Criminal cases provoke enormous emotions, and photos or videos of court proceedings circulate in the media. Thanks to the open court principle, society can exercise a certain degree of control over the course of the hearing and, more frequently, simply obtain information on judgments and punishments.

2 Act of 6 June 1997. The Code of Criminal Procedure (Journal of Laws of 1997, No 89, Item 555, as amended).

The Code of Civil Procedure (hereinafter referred to as the CPC) refers to both external openness (towards third parties) and internal openness (towards the parties and participants in the proceedings)[3] in provisions regarding the open court principle in Art. 9 § 1. Only the former will be discussed for the purpose of the paper. Accordingly, in civil proceedings, cases are heard in open court, unless a specific provision states otherwise. Such a specific provision may be, for example, Art. 427 CPC, which states that hearings in matrimonial proceedings, for example, divorce or separation cases, are held behind closed doors (in camera), unless both parties request a public hearing of the case and the court finds that openness does not threaten morality. Another provision that mentions this principle is Art. 148 § 1 CPC, which states that court hearings are open to the public unless a specific provision stipulates otherwise, and that the court decides cases at a hearing. The Act in Art. 152 § 1 also provides that only unarmed persons of age shall be admitted to the courtroom during open hearings. The Presiding Judge may allow minors and persons required to carry arms to participate in hearings. Persons who violate the dignity of the court cannot be present during the proceedings. Art. 153 CPC specifies the grounds for excluding the public from a hearing, such as a threat to public order or morality, the disclosure of circumstances constituting a trade secret, or the examination of details of family life.

Both Codes contain similar general provisions regarding the open court principle. As a rule, the hearing is held in public, and the attendance of unarmed persons of age is allowed. Exceptions are rooted in values that are important for the common good (e.g., public order, morality), the individual, or the fundamental social unit that is the family (e.g., divorce proceedings). Although it is rare for citizens to exercise their right to attend a hearing that does not concern them in practice, it is important to be aware that the doors of the court are open and that one can personally witness the work of the judicial system and draw one's own conclusions about its functioning without consequences or obligations.

In 2023, the Court Watch Poland Foundation published the Citizen Court Monitoring 2023 report, which includes the results of research into the implementation of the open court principle in ordinary courts in Poland[4]. Between 16 July 2022 and 15 July 2023, 218 volunteer observers submitted 3,483 observations concerning their visits to 149 courts throughout Poland. The report cites some of the judges'

3 Act of 17 November 1964, The Code of Civil Procedure (Journal of Laws of 1964, No. 43, Item 296, as amended).

4 B. Pilitowski, R. Sitniewska, P. Sołowij (2023). Fundacja Court Watch Polska, Obywatelski Monitoring Sądów 2023 [Court Watch Poland Foundation. Citizen Court Monitoring 2023], Toruń.

reactions (both positive and negative) to the presence of the public in the courtroom. Negative reactions were rare, and 97% of the time, the judge had no objections to the presence of a volunteer or to the fact that notes were taken during the hearing (Figure 10, p. 51). However, situations in which, upon seeing the public, the judge suggests that the parties submit a motion to exclude the public from the hearing (Regional Court in Warsaw, 2nd Civil Division, 11.05.2023) or orders them to leave the courtroom, despite their role as a person of public trust (District Court in Zielona Góra, 2nd Criminal Division, 5 July 2023), certainly do not build citizens' trust in the court. However, according to the volunteers, the number of negative reactions has been decreasing year by year. Judges are becoming accustomed to the public and often invite members to attend other hearings (Regional Court in Warsaw, 1st Civil Division, 16 September 2022). In some instances, they even take a moment to talk to the public, encourage questions, and explain the specific nature of the legal issue after concluding the proceedings (District Court for Kraków-Krowodrza, 2nd Criminal Division, 19 May 2023). Such an approach towards citizens is commendable. The open attitude of the court strengthens trust in the state and may contribute to the development of a stronger legal culture in society. Citizens rarely visit courts (especially if it does not concern their own cases), and it is precisely society's activity and participation that influence the practical application and observance of the open court principle.

Law students at WSB University attend criminal trials (5th semester) and civil trials (7th semester) at the Regional Courts as members of the public. These activities are part of the Law in Practice course. The opportunity to observe actual court proceedings and the work of judges, prosecutors, advocates, and attorneys-at-law is an invaluable experience for law students who will soon have to choose their career path. As for our visits to the courts, each one proceeded without any issues. After the hearing, the court frequently explained to us the subject matter of the case, the procedural and substantive provisions applied, the general work of the court, and encouraged us to ask questions.

To answer the question posed in the title of this paper, yes, Polish law allows individuals to attend proceedings in which they are not a party to the case, a witness, or an expert witness. The open court principle is a constitutional guarantee, and exercising the right granted by the legislator is recommended. Public control of courts and judges' work influences legal culture. It also influences the court's attitude toward citizens and the citizens' attitude toward the justice system.

Translated by Aleksandra Karolczyk and Magdalena Kolarska

Amendment to the Animal Protection Act – Key Changes and Their Significance

Nikola Bargieła, Anna Nowicka
Law Students at WSB University

The Act of 7 November 2025[1] introduces significant changes to the animal protection system in Poland. The key element of the amendment is the establishment of a general ban on the breeding and rearing of fur-bearing animals for commercial purposes, excluding the rabbit (Oryctolagus cuniculus). The new regulations, which became effective on 18 December 2025, affect not only business activity but also other important branches of law.

The amendment is based on the Constitution of the Republic of Poland. Pursuant to Article 5, "The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development."[2] On the basis of this constitutional obligation for the protection of the environment and animals, a mandatory provision prohibiting fur farming was introduced. At the same time, the amended Act provides extensive transitional and compensatory mechanisms to mitigate the economic consequences of the reform.

The main objective of the amendment is the complete elimination of fur farming, which is considered incompatible with humanitarian protection standards and animal welfare. It was emphasized that cage breeding of fur-bearing animals (particularly minks and foxes) does not ensure conditions that meet the needs of the species. In the event of a conviction for an offense consisting of the breach of the prohibition, the court may impose a ban on owning all animals or a particular category of animals for a period of up to five years (Art. 37 (5) of the Act on the Protection of Animals). This measure aims to expand the scope of judicial remedies and prevent further activity in breach of the act.

1 Act of 7 July 2023 on the Protection of Animals (Journal of Laws of 2023, Item 1580).

2 Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws, No 78, Item 483, as amended).

Although the amendment became effective on 18 December 2025[3], entities and farmers cannot cease their business activities immediately. Therefore, the new provisions specify that such activity may continue under previous regulations until 31 December 2033 (Article 2 of the Act amending the Animal Protection Act). The purpose of providing entities, farmers, and their employers with an opportunity to gradually cease business activity is to avoid jeopardizing economic stability.

Entities and farmers are entitled to a claim against the State Treasury for financial loss resulting from the need to comply with the new provisions. The damages cover actual financial loss but do not include potential profits that the entity or farmer could have earned if the loss had not occurred (Art. 3 of the Act amending the Act on the Protection of Animals).

According to Article 4 of the amending Act, damages are determined as follows:

- 25% of the average annual revenue generated by the entity or farmer in the years 2020–2024 if the activity is terminated by 1 January 2027;
- 20% if the activity is terminated by 1 January 2028;
- 15% if the activity is terminated by 1 January 2029;
- 10% if the activity is terminated by 1 January 2030;
- 5% if the activity is terminated by 1 January 2031;

This mechanism is designed to encourage entities and farmers to cease business activities that entail the breeding or rearing of fur-bearing animals as early as possible.

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3 The Act amending the Act on the Protection of Animals of 7 November 2025 (Journal of Laws of 2025, Item 1696).

An employee of an entity or of a farmer whose employment is terminated due to the necessity of complying with the new requirements shall be entitled to severance pay in the amount of twelve months' remuneration. The Social Insurance Institution reimburses the entity or farmer for the costs incurred in paying this severance (Article 11 of the amending Act). This mechanism protects employees from sudden loss of revenue while preventing excessive financial burden on employers.

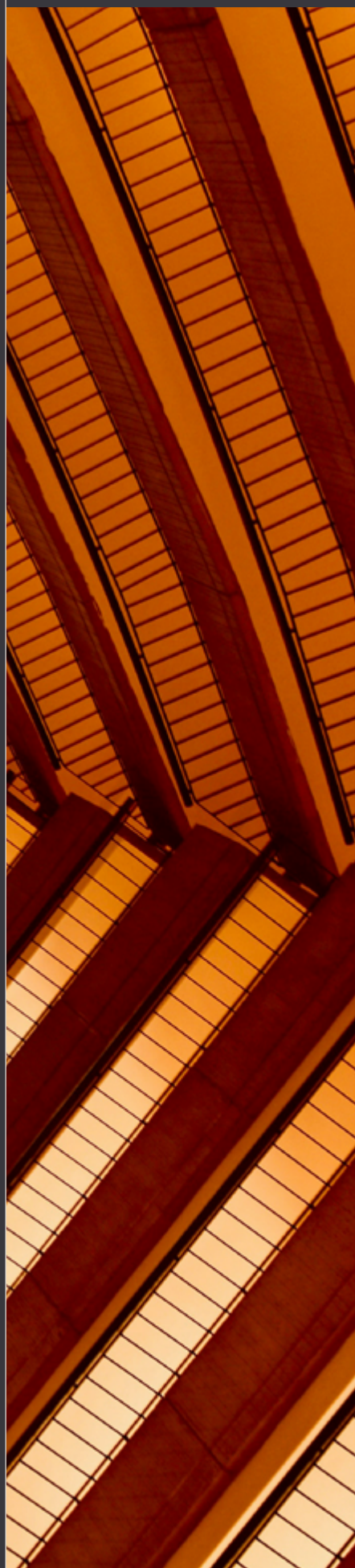
The amendment to the Animal Protection Act has received considerable public approval, demonstrating that the quality of animal life is becoming increasingly important to society and that social sensitivity to animal protection issues is growing. In our opinion, the positive reception of these changes indicates that the previous regulations were insufficient and that the need to clarify and strengthen them had long been recognized by both social organizations and the public.

Another amendment to the Animal Protection Act has already been planned. The next changes, which will enter into force on 18 March 2026, will concern conditions of stay, care, and supervision in animal shelters.

Translated by Hanna Naglik

Specific Aspects of Medical Malpractice Claims

Kacper Pawelec
Law Student at WSB University

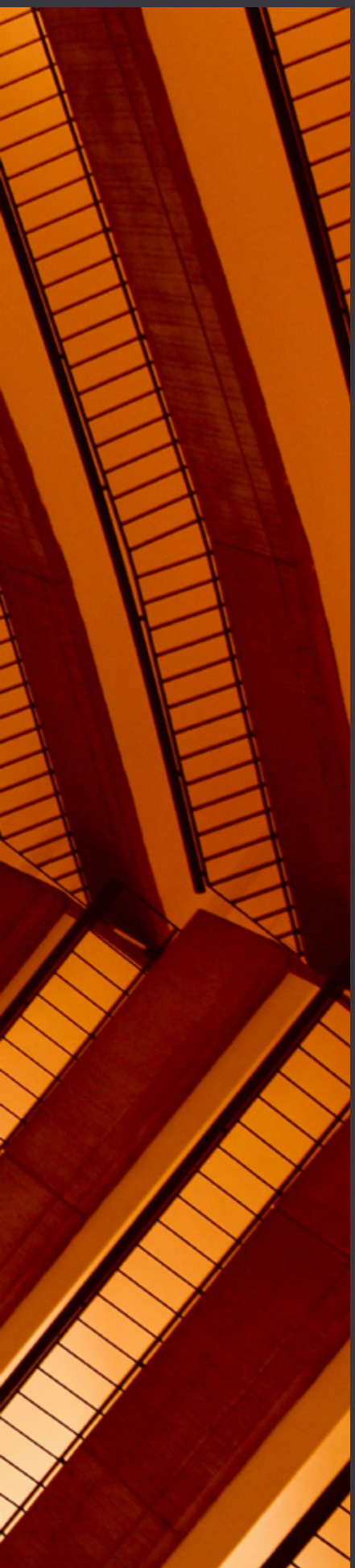


Medical malpractice disputes are among the most complex and demanding court proceedings. The specific nature of such disputes stems from the need to combine legal and highly specialized medical knowledge, as well as from the difficulty in establishing liability for the negative effects of treatment. These cases are usually long-lasting, expensive, and subject to a significant degree of evidentiary uncertainty.

Medical malpractice is not an unambiguous notion, and not every adverse result of treatment indicates culpable action of the medical staff. The key is to determine whether there was a failure to act in accordance with current medical knowledge and standards, and to exercise due diligence. The patient lacks the ability to independently verify the correctness of the treatment process; therefore, court proceedings are inevitable.

One of the reasons for the growing number of medical malpractice disputes is the increasing legal awareness of the public. Patients are more likely to know their rights and to pursue claims in court. Wider access to legal services, including law offices and compensation claims firms, also plays a key role. The increased number of proceedings is also due to rising expectations of the healthcare system and dynamic developments in medicine.

A characteristic trait of medical malpractice disputes is their multi--party nature. On the defendant side, there are usually multiple entities simultaneously, such as the hospital, the doctor providing the health care service, and the insurer. Each of these entities is liable on a different legal basis, which requires a detailed analysis of the grounds of liability. More than one party may appear on the plaintiff's



side as well, especially in a case of a patient's death when the close relatives or heirs pursue claims.

One of the most difficult elements of medical malpractice proceedings is the evidentiary proceedings. Establishing unambiguous findings regarding the causal connection between the act or omission on the part of medical staff and the resulting damage may be problematic. Medical documentation is particularly important, but it is often incomplete, contains omissions, or is kept in a way that hinders the analysis.

Evidentiary proceedings almost always require expert witness opinions due to the specialized nature of medical cases. Expert knowledge is vital for assessing the correctness of diagnostic and therapeutic procedures. It is often necessary to appoint expert witnesses from multiple branches of medicine, convene panels of expert witnesses, or admit supplementary opinions. It leads to an extension of the proceedings and increased costs.

Organizational difficulties in selecting suitable expert witnesses and the long time required to prepare opinions are additional issues. The limited number of specialists qualified to serve as expert witnesses affects the length of proceedings, which may last many years. The high cost of expert witness opinions may pose a significant financial barrier for parties to the proceedings.

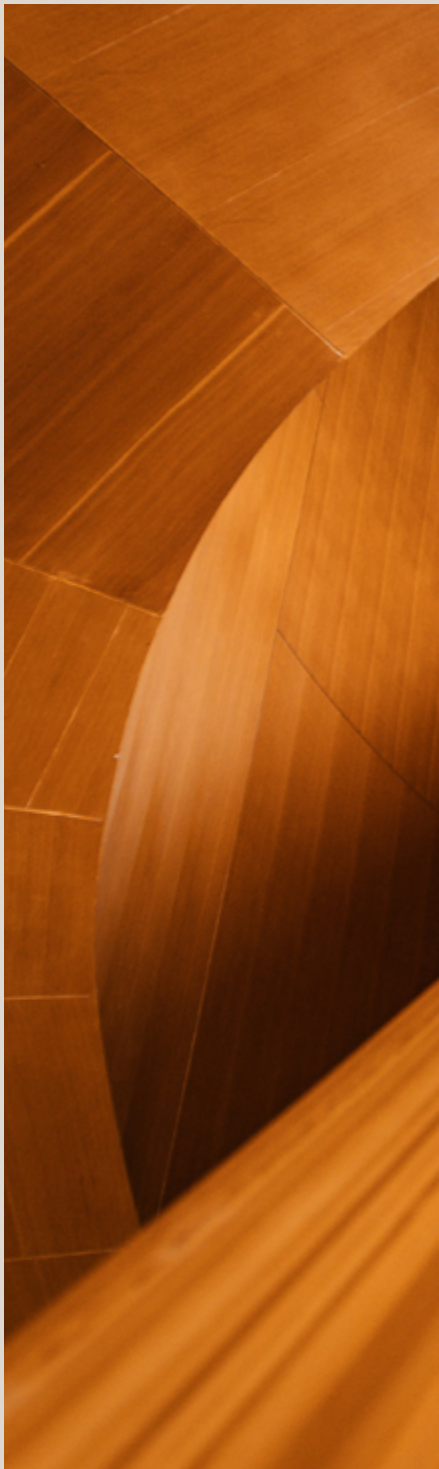
Court proceedings allow for a binding assessment of the medical incident. On the basis of gathered evidence, the court decides on the existence of liability or the lack thereof in the scope of the due claims. Judgements in medical malpractice cases matter not only to the parties to the proceedings but also to medical practice because they impact the evolving standards of due diligence.

In summary, medical malpractice cases are characterised by complexity, the involvement of multiple parties, and significant evidentiary difficulties. Conducting such cases entails lengthy court proceedings and high costs. However, legal action is still a crucial mechanism for protecting patients' rights and a tool for assessing and improving the quality of healthcare services.

Translated by Maja Tuszyńska

The Significance of Expert Witness Opinions in Criminal Cases Involving Medical Doctors and Dental Practitioners

Julia Grabowska
Law Student at WSB University

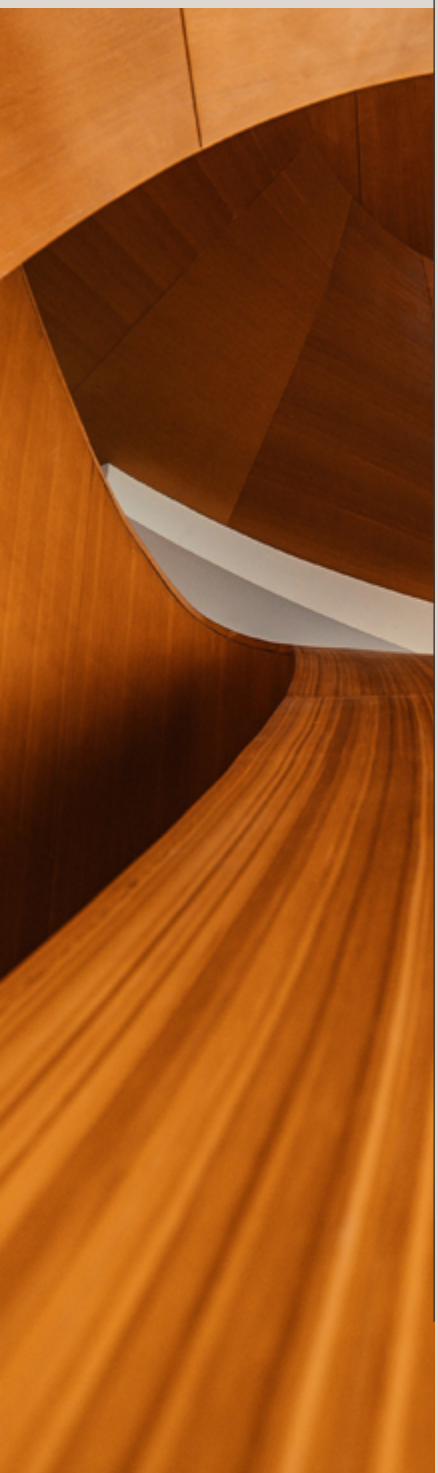


This paper was inspired by a presentation by Katarzyna Legień, Attorney-at-Law at the 1st “Law and Medicine” Scientific Conference held on 11 December 2025, at WSB University in Dąbrowa Górnicza.

Criminal cases in medicine that involve medical doctors and dental practitioners are especially difficult and complex. The complexity results from the necessity to assess medical interventions from the perspective of expertise, the standards of care applicable at the time, and the individual circumstances of each case. Therefore, the prosecuting authorities and courts must rely heavily on expert opinions as they lack medical knowledge.

Katarzyna Legień, Attorney-at-law, emphasised the key role of expert witness opinions in criminal cases concerning the liability of medical doctors and dental practitioners, and addressed multiple issues arising in practice. The paper aims to present the main problems raised during the presentation, with particular emphasis on the significance of expert witness opinions, their quality, and impact on the course and outcome of criminal proceedings.

So, what is the role of an expert witness opinion in criminal proceedings in the field of medicine? In cases involving medical malpractice or exposing the patient to danger, the expert witness opinion is the cornerstone of the evidentiary proceedings. It is the expert witness who is expected to answer questions regarding any instances of compliance or non-compliance with the standards of medical conduct, the standard of care applicable at the time, and current medical knowled-



ge. K. Legień, Attorney-at-Law, emphasised that, in practice, it is not the court but an expert witness who determines the basis for establishing the penal liability of a medical doctor or a dental practitioner. In most cases, expert witness opinion serves as the primary reference point for further decisions in the proceedings. It is crucial for evaluating guilt, its degree, and the causal connection.

One of the crucial elements of the presentation was highlighting the quality of expert witness opinions in medical malpractice cases. It is disturbing that opinions are often incomplete, perfunctory, or ambiguous.

K. Legień, Attorney-at-Law, pointed out that expert witnesses do not always refer to specific medical documentation, omit key circumstances of the case, or formulate conclusions in overly general terms, failing to answer the procedural authority's questions in full. Such actions raise further questions and doubts, ultimately leading to the appointment of additional expert witnesses.

Subsequently, the need for special caution in evaluating the actions of medical doctors and dental practitioners in criminal proceedings was emphasised. We all know that medicine is a certain process of treatment, which, unfortunately, often entails risk that can never be fully eliminated. It is worth remembering that not every negative result of treatment constitutes malpractice or a violation of any rules. K. Legień, Attorney-at-Law, emphasised that a witness expert opinion should primarily take into account the realities of medical doctors' and dental practitioners' work, as well as the availability and conditions of diagnostic and therapeutic means.

Opinions lacking the aforementioned aspects may serve as a basis for drawing unfair conclusions and, ultimately, for the unjustified attribution of criminal liability. The speaker clearly advocated for preparing expert opinions involving medical doctors and dental practitioners in a reliable, clear, and comprehensible manner. Expert witnesses should clearly indicate the sources of their conclusions, refer to specific facts, and attempt to avoid wording that could be interpreted as ambiguous.

K. Legień, Attorney-at-Law, underlined that only such an opinion may truly serve as evidence and aid in establishing the facts of the case. K. Legień's, Attorney-at-Law, presentation demonstrated the crucial, yet problematic, role of expert witness opinions in criminal proceedings involving medical doctors and dental practitioners. It is worth remembering that expert opinions affect the course of proceedings, but above all, they often affect the future career and the course of life of those who pursue such an essential profession.

In conclusion, the core elements of expert witness opinions are reliability, completeness, and full awareness of the specific aspects of medical professions. It is a pivotal matter for the proper preparation of expert opinions. Only by meeting the aforementioned conditions may an opinion provide real support for the judicial body and contribute to a fair decision on the case.

Translated by Wiktoria Miller

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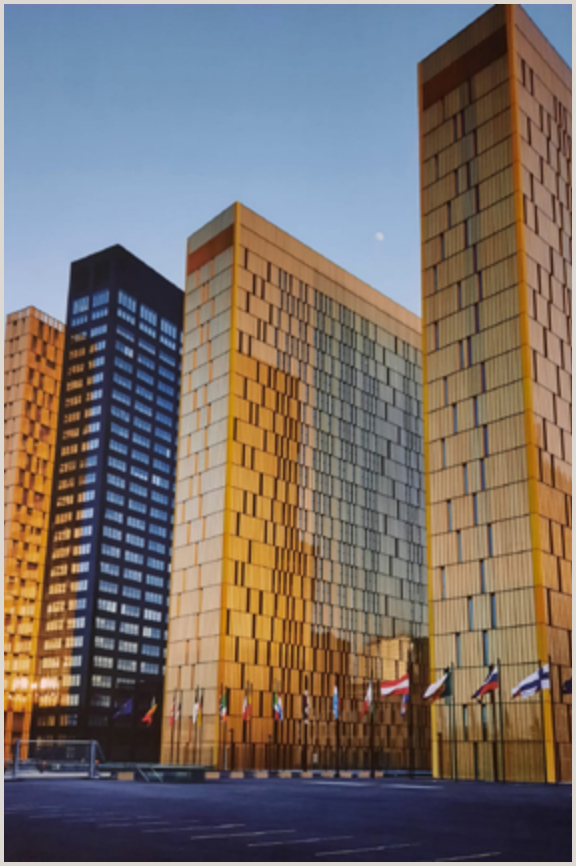

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