

THE COSTS OF LAWSUITS IN THE EXPLORATORY QUALITATIVE RESEARCH ON THE HISTORY OF INTERACTIONS WITH INSTITUTIONS OF CHRONICALLY HOMELESS PEOPLE IN POLAND

CONCLUSIONS FROM THE REPORT

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INTRODUCTION

One of the goals of the Housing First - Evidence based Advocacy Project was gathering evidence based arguments that Housing First Programs in Poland are cost effective for certain group of people who are chronically homeless as in their case traditional attitude costs more.

During the research, we were able to identify over 1200 interventions of various institutions towards seventeen potential Housing First clients in Exploratory Qualitative Research of Interactions with Institutions, however majority of institutions rejected to evaluate costs of interventions due to lack of financial data.

The Clifford Chance through Pro Bono Centre conducted a study to look for costs of lawsuits of chronically homeless people whose situation was researched during Exploratory Qualitative Research of Interactions With Institutions.

CONCLUSIONS FROM THE REPORT

- (1) Data determining the cost of individual actions undertaken in the course of court proceedings conducted in Poland are unavailable. Neither law protection agencies, nor the Ministry of Justice collect financial data allowing the determination of such costs. Only collective data on the outlays incurred by the State Treasury on the action of law protection agencies are available (these are aggregated data for certain general categories of expenses, but not for individualised types of activity).
- (2) In connection with the impossibility to obtain the data referred to in item (1) above, it was also impossible to determine the amount of the actual cost of individual actions undertaken by the law protection agency in the particular cases involving the Respondents as a part of our Exploratory Study.
- (3) Analyses of Documents did not reveal any extraordinary process events in criminal or civil

cases involving the Respondents. Thus, the results of the Exploratory Study did not show that court proceedings involving the Respondents are a special category of cases marked by extraordinary actions or process events, or the necessity to repeat the same type of action or event many times.

(4) Taking into account the circumstances indicated by the data concerning the Respondents available on the Foundation's website, it can be assumed that the State Treasury incurred an increased cost of criminal cases involving the Respondents (however, the above does not result directly from Documents concerning all the cases). As a rule, Respondents qualified for court-ordered psychiatric examinations, and in consequence, for being provided with a public defender. Thus, the Respondents were extraordinarily marked by certain qualities, which necessitated the ruling of additional process actions by the authority conducting the proceedings, thus prolonging the proceedings conducted against the Respondents.

(5) In view of the absence of data allowing determination of the actual cost of individual actions carried out by the law protection agency in cases involving the Respondents, we attempted to determine the cost of proceedings conducted against the Respondents by estimating the average total cost of proceedings in civil cases, criminal cases, and petty offence cases. We decided that the above approach was correct in view of the absence of any significant differences between the conducted proceedings involving the Respondents and proceedings of the same type in general.

(6) On the basis of source materials concerning the expenses of the State Treasury incurred on the administration of justice in 2015, we determined the following data concerning the average cost of proceedings of the same type as the proceedings which, as resulted from Documents, involved the Respondents:

- the average cost of a civil case conducted in a district court in Poland in 2015 was approximately 228 EURO (1,001.30PLN)
- the average cost of a civil case conducted in a regional court in Poland in 2015 was approximately 213 EURO (936.51PLN),

- the average cost of a criminal case conducted in a district court in Poland in 2015 was approximately 200 EURO (876.14PLN)
- the average cost of a criminal case conducted in a regional court in Poland in 2015 was approximately 286 EURO (1,252.74PLN)
- the average cost of a petty offence case conducted in a district court in in Poland in 2015 was approximately 165 EURO (725.95PLN)

We also show that the average cost of a case conducted in a general court in Poland in 2015 was approximately 232 EURO (1,016.51PLN).

The average cost of the proceedings referred to above was determined on the basis of the average duration of a court case, which is not always tantamount to the actual duration of a concrete case. The duration of a court case is closely connected to its circumstances – therefore, whether we want it or not, the averaged estimation will not be adequate in relation to all cases.

As shown above, the cost of criminal proceedings involving the Respondents was in our opinion higher than the average cost specified in item (ii) above. This is because in criminal cases involving Respondents it was necessary to take additional actions in relation to Respondents as stipulated by the law (in the course of criminal proceedings involving Respondents, psycho-legal opinions are often issued and public defenders are often appointed for Responders). The actions involved in these stages of the proceedings prolonged the duration of the criminal proceedings involving the Respondents and thus increased their average cost. We also show that according to our estimates, the above actions increased the cost by 114 EURO (500PLN) on average, which resulted from the fact that they prolonged criminal proceedings in the district courts by about 2 months.

(7) The cost of proceedings in the cases referred to above reflects the average amount of expenses incurred by the State Treasury on the activities connected with such proceedings. We should also remember that proceedings conducted by law protection agencies also generate revenue for the State Treasury. The revenue comes from court fees and the obligation to incur a part of the cost of

court proceedings by the parties to the proceedings.

(8) An analysis of Documents also made it possible for us to make the following observations concerning the course of proceedings involving Respondents:

- some Respondents applied for being provided with court-assigned legal assistance. It is very likely that these Respondents satisfied the conditions necessary to obtain such assistance. The provision of such assistance increased the expenses incurred by the State Treasury for public defence in criminal proceedings involving the Respondents;
- disorders of the nervous system were diagnosed in about 15% of Respondents. We know from the information made available by the Foundation on the project website that the majority of Respondents are addicted to alcohol and suffer from mental disorders. This is why it was necessary to rule that psycho-legal opinions be issued in criminal proceedings involving the Respondents;
- in the case of one Respondent, it was necessary to use the required protection measures. Since there is a correlation between homelessness and mental diseases, we must assume that proceedings involving homeless persons are statistically more often connected with an additional cost connected with ensuring their correct course;
- Documents and explanations obtained from the Foundation show that owing to support from social workers, Respondents often displayed an active approach in court and applied for an extension of the time-limit for filing an objection to the order for payment together with an objection to the order for payment, and submitted applications for being relieved from the cost and for a court-assigned attorney.

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