

Warsaw, 11 May 2021

As a result of a motion filed on behalf of Judge Paweł Juszczyzsyn by the law firm Romanowski i Wspólnicy, the Regional Court in Olsztyn, 1st Civil Division, in an enlarged three-judge panel due to the precedential nature of the case: Judge Juliusz Ciejek (Presiding Judge), Judge Przemysław Jagosz and Judge Wojciech Waclaw, on May 10, 2021, suspended (i) the effectiveness and enforceability of the so-called Resolution of the so-called Disciplinary Chamber of the Supreme Court on the suspension of Judge Paweł Juszczyzsyn from his official duties and on the reduction of Judge Juszczyzsyn's remuneration ("the so-called Resolution of the so-called, Disciplinary Chamber"), and (ii) ordered the de facto neo I President of the Supreme Court Małgorzata Manowska to mark the aforementioned resolution, published on the Supreme Court's website, with a notice that its effectiveness and enforceability have been suspended for the duration of the proceedings for determination. The decision takes effect upon issuance.

The decision was issued to secure Judge Juszczyzsyn's claim against the State Treasury - the Supreme Court, for which the neo I President of the Supreme Court acts. The subject matter of the claim is: (i) a determination by the court that the so-called resolution of the so-called Disciplinary Chamber is not a decision of the Supreme Court, and is, therefore, a non-existent resolution, and (ii) an order that the Supreme Court, and in practice the neo I President of the Supreme Court, cease to violate the good name and dignity of Paweł Juszczyzsyn, and for this purpose order the de facto neo I President of the Supreme Court to remove the resolution from the Supreme Court's website.

This is another ruling in the case of Judge Paweł Juszczyzsyn, after the ruling of the District Court in Bydgoszcz, which is unprecedented in terms of restoring the rule of law in Poland. The panel of the Regional Court in Olsztyn, like the panel of the District Court in Bydgoszcz, did not succumb to the freezing effect. We would like to remind you that in the civil cases in which we represent Judge Juszczyzsyn, numerous actions have been taken recently that were intended to have a freezing effect on judges, and which are characteristic of methods used in an authoritarian state. We described them in a letter dated May 4, 2021, to Vice President of the European Commission Věra Jourova.

We remind you what the Deputy Disciplinary Ombudsman of the Judges of Common Courts Przemysław Radzik said before the so-called Disciplinary Chamber of the Supreme Court on February 4, 2020, accusing Mr. Judge Juszczyzsyn (see <https://oko.press/izba-dyscyplinarna-probuje-uciszc-zuszczyzsyna-zawiesila-go-w-obowiazkach-sedziego-i-obciela-pensje/>):

"We, on behalf of the State, fight against judicial pathologies. Everyday life brings more and more new judicial behavior [...] He [Juszczyzsyn - ed.] acts against the constitutional order. He has declared war on his own state. He lamented that only one president of a court in Poland, Maciej Nawacki, has removed a judge from ruling, although there are "dozens" of such behaviors as Juszczyzsyn's". "I have to give him [Nawacki - ed.] respect for the fact that he

applies the rules," Radzik said with seriousness. Finally, he demanded that the Disciplinary Chamber issue a preventive resolution. Against Judge Juszczyzyn and other potential perpetrators [...]".

Professor Timothy Snyder calls for defending, among other things, the institution of independent and impartial courts. Professor Snyder writes: ***"It is institutions that help us to preserve decency. They need our help as well. Do not speak of "our institutions" unless you make them yours by acting on their behalf. Institutions do not protect themselves. They fall one after the other unless each is defended from the beginning."*** Judge Pawel Juszczyzyn has chosen an institution he cares about, he has chosen an impartial and independent court, free from interference by politicians, from authoritative interference, and based on the pressure of fear. Justice Pawel Juszczyzyn risked everything, his entire personal life, his own peace of mind, his own financial comfort, and above all the peace and security of his family, to fight for "our institution" which is **"the Court"**.

The panel of judges of the Regional Court in Olsztyn, and earlier of the District Court in Bydgoszcz (Katarzyna Błażejowska, Anetta Marciniak, Iwona Wiśniewska), translated into legal judgment the thought of Professor Leszek Kołakowski: *"The teachers of our generation are leaving, and with them - the entire intellectual and moral formation, the continuity of which must be preserved for us under the threat of Polish culture."* Polish culture is the independence of Polish judges.

We have been experiencing insanity in the justice system since 2015. Judge Pawel Juszczyzyn has made an attempt to oppose this insanity. It is not about defending an institution, but about defending a person against the heartlessness and ruthlessness of the ruling party and its servile officials acting under the slogan "Whoever is not with us is against us".

The decision ordering the return of Judge Paweł Juszczyzyn to adjudication proves that **the law sometimes slumbers, but never dies**.

To paraphrase Cicero, the judges of the common courts of Olsztyn and Bydgoszcz prove that "Gown does not yield to armor".



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