THE STATE'S POLICY WITH REGARD TO PREVENTION OF LEGAL EXCLUSION BASED ON ADMINISTRATION OF JUSTICE IN CIVIL CASES – SELECTED ISSUES

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I. INTRODUCTORY REMARKS

Over the last years, the goals of the state's social policy have embraced the concept of social exclusion denoting a negative social phenomenon, the occurrence of which should be prevented by public administration bodies. Social exclusion is difficult to define because of its multifaceted, highly complex nature. It can be generally assumed that the concept refers to persons or entire social groups which, for some reasons, have been relegated to the fringe of society. The origin of the phenomenon may be attributed to a wide array of factors, which makes the creation of consistent and effective state's policy instruments even more difficult.

The most common cause of exclusion, but certainly not the only one, is poverty experienced mostly by those persons or groups who are not able to or do not want to settle in the 'new reality', e.g. low-qualified persons, victims of restructuring of state-owned enterprises or state-owned farms, who cannot find a way to operate in free market economy in which employers seek effective labor force and emphasize efficient human resource management. However, in some cases marginalization is the

consequence of a conscious decision made by some people who adopt a certain approach to life, discarding the prevailing social system of rules and norms, who are not able to fully participate in the life of their community, with work and family balance lying at its core, which may give rise to such problems as alcoholism, drug addiction or voluntary homelessness.

On the other hand, a form of social exclusion being now in the limelight is discrimination of some groups due to factors such as sex, health, nationality or race. What is conspicuous is, i.a., exclusion of disabled persons (their situation being definitely more difficult in rural areas, lacking disability service infrastructure), women and in particular single mothers who still have to cope with social stigma in some social environments or national and ethnical minorities who tend to isolate themselves from the society (also due to the historical background and troubled past relations) as it is the case with Roma minority.

The National Social Integration Strategy for Poland defines social exclusion as the lack or limitation of the possibility to participate, affect and use basic public institutions and markets which should be available to all, and in particular, to deprived persons[1]. Within the project framework, on 14 April 2003 a Social Reintegration Workgroup was appointed by the Prime Minister. Its aim was to analyze the current situation in terms of social exclusion, evaluate the research on exclusion related issues and draw up the guidelines for the National Social Integration Strategy (NSIS) to act upon. However, a broader definition of social exclusion was coined by one of the workgroups. Accordingly, social exclusion was defined as a situation which makes it impossible for an individual or a group to, or hugely hinders the process, perform legitimate social roles, use public goods and infrastructure, accumulate resources and earn income in a dignified way. There are three significant aspects to this definition. First of all, an excluding situation, that is a combination of socially excluding factors or conditions (answer to the question – what/who excludes?). Second, the entity being excluded, an individual or a group that found themselves in

[1] http://www.rcie.katowice.pl/dokumenty/2/narodowa-strategia-integracji-spolecznej.pdf , p. 22 (updated: 25.09.2012).

a socially excluding situation (answer to the question – who is being excluded?). Other important elements here are: interaction with the society, access to public resources and earning a living in a dignified way, which in result of the socially excluding situation is rendered impossible or hugely hampered (answer to the question – what is the entity excluded from?). Pursuant to the authors' view, the performance of social roles (i.a. within the family, workplace, circle of friends, society), the use of public resources (i.a. goods, services, infrastructure) and a dignified way to make a living (income earning and accumulating resources) are closely interlinked[2].

Such a broad understanding of social exclusion sheds a new light upon the issue emphasizing the fact that it is impossible or very difficult for the excluded entity to benefit from public services, justice system or other commonly available goods, though these are guaranteed by legal regulations passed by administrative authorities or in consequence of the absence of such regulations (e.g. lack of effective actions of the state organs with regard to regulation of the non-marital partnership status). The latter leads to a further remark: social exclusion as a phenomenon encompasses legal exclusion, which manifests itself mostly by precluding a given individual or group access to appropriate legal protection to which every person, subject to the jurisdiction of a democratic state of law, is entitled.

Mutual relations between social and legal exclusion can be of diverse nature as legal exclusion can be both the cause and the effect of social exclusion. It acts as the cause in cases when an individual being a member of an underprivileged group has no right – due to certain legal norms or the lack thereof – of access to services and goods provided by public administration bodies (e.g. uneducated persons deprived of legal assistance are not acquainted with all support mechanisms provided by local authority bodies). On the other hand, legal exclusion is an effect in cases when an individual marginalized for one reason or another, due to this very fact becomes deprived of legal protection (e.g. a poor income person cannot afford to file a suit against someone who took advantage of his/her bad situation).

[2] Ibidem, p. 23.

As pointed out by W. Staśkiewicz, an individual or a group is socially (and also legally) excluded if despite its formal membership in a given society (e.g. an individual being a rightful citizen of a given country and resident of a given locality), cannot participate in normal activities of the community he/she lives in. It is aptly illustrated by the concept and metaphor of a 'legal glass jar' outside which excluded persons are situated[3]. Ipso facto, the state's social policy must aim at including as many persons as possible within the 'jar' and allowing only very few to reside outside it, and ideally only those who voluntarily choose a life of alienation, being willingly relegated to the fringe of society. The more adequate instruments aimed at both prevention and reincorporation into the society a state works out and applies, the smaller the margin of social exclusion, including legal exclusion.

The purpose of this study is to point to the core of legal exclusion, indicate main contributing factors, and most of all, the state's policy mechanisms which are meant to eradicate this form of exclusion based on the example of civil jurisdiction. Instruments of the state's policy aimed to counteract or avoid legal exclusion consist mostly of specific organizational and legal solutions; selected aspects thereof will be juxtaposed with legal protection standards which should be ensured by the state in all civil lawsuits. Civil litigation provides a good opportunity to analyze the issue of prevention of legal exclusion as, at the very last, they are a peculiar 'lens' concentrating all forms of human activity. On the one hand, civil suits deal with the most intimate aspects of human life (marital lawsuits, parent-child lawsuits, inheritance lawsuits etc.) and on the other hand, they adjudicate various disputes with regard to trading transactions and other forms of occupational activity (economic lawsuits, labor law suits), and at the same time, in some cases resolve issues of highly public legal nature, that is going beyond private interest (suffice to point to lawsuits adjudicated by the competition and consumer protection court). Thus the access to the court as a fundamental component of

[3] W. Staśkiewicz, Wykluczenie prawne w procesie tworzenia prawa, [in:] Prawo i wykluczenie. Studium empiryczne, ed. A. Turska, Warszawa 2009, p. 62.

the right of access to court cannot be overestimated, as it is hard to overlook the fact that legal exclusion, within the scope covered in this study, severely affects all aspects of life of an excluded individual or group, that is deprives them of actual access to civil judiciary.

II. THE CONCEPT OF LEGAL EXCLUSION

As already hinted above, the concept of legal exclusion (legal exclusion, legal marginalization) encompasses a wide area of issues pertaining to the process of formulation (e.g. deprivation of legal protection caused by an improperly formulated regulation) and application of law (e.g. deprivation of access to courts or awarding judgment on the grounds of an unconstitutional legal act). Legal exclusion takes place when the access to various socially appreciated goods (e.g. health care, education, jurisdiction) is obstructed for some citizens by the law or practice of law. However, legal exclusion takes place also when the hindrance refers to the access to the right in itself, e.g. for lack of legal information or counseling. In this case one can thus talk of infringement of equality in the law and under the law, while it is increasingly more difficult to distinguish instances of exclusion of a given group from well-justified, specific treatment of some social groups (e.g the fact that persons with criminal records cannot be appointed to certain posts is not a sign of group exclusion but just a clear-cut standard meant to ensure the quality of public life). This difficulty stems from the fact that legal exclusion in today's democratically governed states does not take on such extreme, coarse forms as it was the case in the past (e.g. denial of the women's right to vote or its most extreme form – slavery). Indeed, often there is a discussion about subtle forms of legal exclusion[4]. The latter result not as much from an explicit need to stigmatize or alienate certain persons or

[4] See more in: A. Kojder, Dyskretne formy wykluczenia prawnego, [in:] Naznaczeni i napiętnowani. O wykluczeniu politycznym, ed. M Jarosz, Warszawa 2008, p. 48.

groups, as from legislative errors or omissions or errors in the application of law, frequently brought about by failure to foresee consequences of a given regulation or the entire range of unregulated situations (the latter situation is sometimes unavoidable and cannot be removed by e.g. the use of analogy).

Talking about factors which lead to legal exclusion, one can suggest – as in the case of social exclusion – a simple classification of the excluded groups, whereas this listing should not be treated as *numerus clausus*. Moreover, majority of legal marginalization cases have to be perceived collectively, since various causes behind a given actual or legal situation interact and overlap. When looking into the causes of legal exclusion of a homeless, mentally ill person, one is not able to pin down a sole factor accountable for the person's marginalization, as one has to consider a range of factors, inter alia, social ostracism often encountered by those mentally disordered persons, deprivation of family support, shortage of means of support, homelessness. Therefore research instruments taking into account the multidimensional nature of the underlying causes have to be developed.

Nonetheless, among factors leading to exclusion, for the sake of these considerations, one must differentiate the ones which are involuntary and owing to circumstances beyond control, when an individual in a challenging life situation is devoid of any family, social or state support, and is a subject to legal marginalization, especially with regard to his right as a human being and citizen. Here one should include biological factors such as congenital or genetically conditioned disability or a severe, chronic disease, certain social disorders (anomie, jadedness, depression). The second group of involuntary factors includes social factors: life in a dysfunctional family or having no family at all, poverty-stricken family background (e.g. upbringing in a social environment in which being jobless and getting by on unemployment benefits alone becomes a style of life), coming from less-chance, deprived areas (such as post – former state farms areas, areas with declining or out-of-business industries). The other involuntary factors can be called fortuitous factors such as: individual fortuitous events (e.g. accident, occupational disease), collective fortuitous events (any of the natural disasters affecting the life of a population). These

three groups do not exhaust the list of involuntary factors which underlie legal exclusion. One has to bear in mind that there are other factors, e.g. health-related ones such as old age diseases or economy-related factors e.g. incapability of earning a living in free-market-oriented economy.

It is worth adding that the task of identifying and describing the nature of legal exclusion is made even more difficult by the fact that exclusion itself, irrespective of the aggregate nature of its causes, has a heterogeneous structure. Let it suffice to say that in practice there are instances of factual legal exclusion[5] (actual),whenever a particular fact (say poverty, disability) produces certain legal effects in form of limited access to some public goods or services (in our case, civil courts). Yet another form of exclusion is self-generated, a byproduct of an individual's awareness or conviction that he/she is being excluded, marginalized by the state's organs, e.g. he/she believes that the court procedures are confusing and too complicated or that he/she cannot afford lawyer's fees. The above considerations represent the view of an excluded individual, yet it is also important to analyze the subject matter from the perspective of the excluding entity – that is the state's organs in case of civil jurisdiction.

Subject literature proposes various classifications, among others a classification based on actual intentions of the excluding entity. From the perspective adopted herein and referring to the state as the entity that formulates a certain policy towards respective social groups by actions undertaken or abandoned, it is essential to distinguish between intentional and unintentional exclusion. This division is implicated by the fact that the law grants rights and obligations which may vary with regard to different groups. Introduction of inequality under the law may be the legislator's intention (e.g. currently no legal protection has been extended to non-marital relationships in Poland). Another situation occurs when the state shows no intention to discriminate a given group or even implements mechanisms to ensure its non-discrimination (e.g. the controversial issue

[5] K. Majdzińska, Wykluczenie prawne jako fakt społeczny, [in:] Ubóstwo i wykluczenie. Wymiar ekonomiczny, społeczny i polityczny, ed. A. Grzędzińska, Warszawa 2010, p. 420.

of guaranteeing women's equal representation in Polish public life), yet turn out to be rather ineffective as – especially when confronted with a unfavorable social attitude – do not ensure actual equality in face of the law. What is more, it also happens that the society deliberately hinders access to various goods to some social groups, which is reflected in the existent law or in the way the law is executed. Debates on the legal situation of various groups particularly threatened by exclusion are accompanied by ideological disputes[6] referring to e.g. the legal situation of persons who undergo sex reassignment surgeries.

In case of the civil justice system the second form of legal exclusion comes to surface, that is the situation when – admittedly, without the state's intentional or deliberate policy to create inequalities under the law of certain social groups – due to the state's inefficiency, such discrimination in fact occurs. Moreover, in some cases this exclusion is of factual nature (until very recently such exclusion was observed with regard to micro – and small entrepreneurs who were not prepared to deal with special restrictions imposing separate proceedings in economic lawsuits, nowadays abolished), and even more than that, as this form of exclusion is conscious. Public opinion polls show that respondents point to numerous shortcomings of the justice system, with its high complexity and costliness at the top of the list. One of the surveys conducted by the Polish Public Opinion Research Centre (OBOP) and commissioned by the National Bank of Poland (NBP) shows that 16% of respondents believe that courts are just and impartial, 14% perceive courts as honest, fair institutions, 1.8% as time-effective, 2% as affordable, 13% as accessible, and only 5% as capable of enforcing the judgments made[7]. Moreover, it is observed that these findings are an improvement as compared to the previous years, although the reputation of Polish courts is still much worse than the reputation enjoyed by other European courts.

[6] M. Łojkowska, Wykluczenie prawne, [in:] Ubóstwo i wykluczenie społeczne w Polsce, ed. M. Szarfenberg, Warszawa 2011, p. 139.

[7] Polska: Prawne bariery dochodzenia praw z umów, Collective Work, Warszawa 2006, p. 39.

The impact of perceiving the justice system in such a light, affected also by inefficient civil procedure, is at present particularly significant in the social dimension. H. Genn emphasized that by formulating a concept of 'justicable event' to define a matter experienced by an individual which should be recognized and adjudicated by the court and never actually gets to the court. This is how a 'justice pyramid' is built[8] with cases recognized by civil courts at its top and a much bigger number of cases for litigation at its base. The quantitative disproportion between these two groups of cases results from the way citizens of many states (including democratic states) perceive the judiciary system. In their view it is too costly, too unpredictable in terms of time and result of the litigation, not always abiding by the principle of equality of parties, confusingly complicated, with its structure too fragmented (which is illustrated by the multiplication of separate proceedings by the legislator in Polish civil procedure) and at the same time leaving too much freedom or opportunity to parties who do not wish for a fair and efficient lawsuit.

III. THE NOTION OF THE POOR LAW IN CIVIL LAWSUITS

As mentioned in the introduction, social exclusion is closely linked with the occurrence of poverty. However, as stated in literature, the equals sign cannot be placed between the phenomenon of poverty and social exclusion. Poor persons do not necessarily have to be excluded and vice versa – excluded persons are not necessarily poor. A multitude of criteria is used to measure poverty, and the so-called 'poverty depth' is also consideed. And so, e.g. the category of 'minimum existence level' focuses on considerable deprivation of material needs and if someone remains in this situation for a longer while, he/she is threatened not only by social exclusion, but also by severe existential disorders. On the other hand, relative poverty does not necessarily have to lead to social exclusion. This category uses a relative measure to define poverty in relation to income distribu-

[8] H. Genn, Paths to Justice. What people do and think about going to law?, Oxford 1999.

tion. Here the poverty depth is crucial, estimated as the difference between the average, typical household and the poverty line[9]. One of the primary tasks of the state's policy is to diagnose the poverty issue and to create efficient prevention mechanisms. Yet, it is a model solution as even the experience of the most developed welfare states shows that this issue cannot be completely solved or eliminated. This is why the state's policy in its practical aspect should aim at alleviating poverty and reducing its negative effects, including legal exclusion.

In result, one of the basic intentions of a democratic state of law is to provide actual access to the justice system to everyone who needs it. However, in this context one cannot overlook the issue of fees being charged, reflecting mainly the system's operating expenses. It is reasonable and essentially correct that the functioning of judicial organs engaged in adjudicating disputes of private parties in civil lawsuits should be co-financed by the entities who initiated these proceeding by filing a motion or suit. However, to ensure that access to courts is realistic and not just formally abstract, it cannot be boiled down to a simple logic in which the chance to seek justice depends on the financial standing of persons seeking legal protection. It is becoming obvious that access to courts cannot be denied to badly-off persons who for this very reason cannot exercise their rights against other entities or else properly defend their rights against other people's claims.

The institution ensuring access to courts and vindication of rights to persons of limited means has taken the form of individual exemption from court fees in a given lawsuit and the free access to court-assigned attorney. These are the two main components of the 'poor law' which does not only have a social function but also other, equally important functions. First of all, it is the process function expressed in its impact on the course of civil proceedings, as well as in the extent to which a legal counsel can participate in it. Second, that is the fiscal function implied by the application of the poor law which significantly affects the state's expenditure

[9] http://www.rcie.katowice.pl/dokumenty/2/narodowa-strategia-integracji-spolecznej.pdf, p. 23 (updated: 20.09.2012).

regarding the maintenance of the justice system and on the other hand, it affects the state's income fed also by court fees[10].

Costs of judicial enforcement of claims or protection of rights are many a time the biggest obstacle in making full use of the civil proceedings, hence such a multi-dimensional treatment of the poor law institution as a social, process and fiscal issue.

In the light of the above considerations, one should assume that the incurrence of court fees is to be treated as a principle, and the awarding of the law to the underprivileged persons is to be treated solely as an exemption dictated by the standards of the state's social policy. Exemption from court fees *per se* should be applied as a departure from the principle ensuring the execution of the right of access to court to poor persons, giving them a chance to claim or defend their due rights at court.

It is worth underscoring that one of the essential features of the Polish interpretation of the poor law is the interpretation of the access to courts pursuant to the ruling of the Polish Constitutional Tribunal. The Tribunal emphasizes the right of access to court, which as an efficient and effective right, and not just illusionary or theoretical, cannot be a merely theoretical right. Provision in the national law, both in formal and financial terms, of an institution that would ensure to the badly-off persons a trouble-free access to courts, designed to solve disputes regarding their rights or obligations of civil nature, is a crucial obligation of the state. Everyone, regardless of his/her financial situation is entitled to the right to court, thus the equality under the law and in this particular instance – the equality of access to the justice system can be manifested. For this very reason any deprivation or limitation of the right of access to court is treated by the Constitutional Tribunal as violation of the provision of Art.6 of the Convention[11].

To sum up, the essence of the poor law applied in civil lawsuits as an element of the state's policy towards low-income persons is the removal

[10] J. Koredczuk, Bezpodstawność powództwa, a prawo ubogich w procesie cywilnym okresu międzywojennego, Studia historyczno-prawne, ed. A. Konieczny, Wrocław 2005, pp. 215–216.

[11] M.M. Kałduński, Prawo ubogich w postępowaniu wieczystoksięgowym na tle prawa do sądu w prawie polskim i europejskim, "Rejent" 2003, No. 11, p. 45.

(or at least significant reduction) of the two main barriers hindering the access to civil courts, that is:

1) mental barrier raised by the negative attitude of some social groups towards the state's justice system or else, resulting from the anxiety and apprehension in face of highly formal procedures;
2) financial barrier linked directly to the amount of court fees and other expenses, sometimes unaffordable to a person seeking justice.

Thus the essence of actual accessibility of civil courts is the creation, within the state's social policy framework, of instruments to guarantee this access in terms of financial affordability, as well as in the broader sense – organizational and financial (e.g. setting up of a free legal aid system available through all stages of litigation to a person seeking legal protection). A complementary measure to this guarantee instruments should be the observance of the principle of procedural integrity allowing the parties to present all statements and supporting evidence if these are significant to the case.

IV. CONCLUSIONS

As legal marginalization is intricately linked with social marginalization, it must be assumed that, to a great extent, it refers to groups threatened by social exclusion. Among these, the ones commonly listed are, *inter alia*, children and youth from socially, economically, culturally neglected backgrounds, single mothers, low-qualified persons, unemployed persons, homeless persons, physically and mentally disabled persons, persons suffering from chronic diseases, elderly persons, persons discharged from penitentiaries, members of ethnic or national minorities, persons suffering from addictions and their families. The law plays a special role in this case as it should facilitate the functioning and in some cases, the integration of marginalized groups with mainstream society. Polish legal system offers only minor protection from discrimination and exclusion, moreover, in itself it contains elements which exclude these groups[12]. These elements

[12] M. Łojkowska, op.cit., p. 140.

may result from the content of the provisions of law (e.g. Art. 117 of the Polish Civil Code in its previous wording made the access to a court-appointed attorney conditional on the exemption from court fees which resulted in discrimination of persons who could afford court fees, but could not afford to hire an attorney of choice), but also appear during the application of law (e.g. cases of abuse of the discretionary power of the judge with regard to the requests for exemption from court fees).

As the National Social Integration Strategy for Poland emphasizes, one of the goals of European Union policy is cohesion. The Strategy's authors hint that the word 'social' was added following the resolution of the Treaty of Maastricht on economic cohesion, and it mainly voices the need for development that would not reinforce regional and local discrepancies in standards of living, as well as the need to remove differences formed before. In one of the EU research projects on social cohesion (EuRoreporting – Towards a European System of Social Reporting and Welfare Measurement carried out in the years 1998–2001 by ZUMA – Zentrum fuer Umfragen, Methoden und Analysen in Mannheim) an index to measure social cohesion was constructed. It included the following components: level of material comfort measured as GDP per capita, education, professional activity, social expenses, level of infrastructure (public transport), health and access to health care, living conditions, supply of power and the condition of the natural environment[13]. However, it seems that – from the perspective of these considerations – the social cohesion index is rather incomplete in its present form as it fails to capture one of the fundamental goals of the state's social policy.

Human being, as every living creature, experiences certain needs. They can be classified in a number of ways, from basic, biological needs aimed at preservation of life such as the need to eat, drink and sleep, to more sophisticated needs of psychological nature linked to the person's personality. Among the latter ones, regardless of the classification, psychological science points to the need for security. In Maslow's pyramid of needs, the need for security is placed at its very base, just above basic physiological

[13] http://www.rcie.katowice.pl/dokumenty/2/narodowa-strategia-integracji-spolecznej.pdf, p. 23 (updated: 20.09.2012).

needs[14]. W.I. Thomas narrowed the list of needs down to four primal ones: the need for security, recognition, friendship and new experience[15]. Analysis of the hierarchy of human needs can be, naturally, expanded, yet this would have no bearing here. For the purpose of this study it suffice to state that one of the primary human needs is the need for security. The evaluation of how well the EU member states do as it comes to satisfying this very need should be incorporated in the calculation of the social cohesion index described hereinabove as certainly it can not be narrowed down to the needs from the lowest category – living and material needs.

The need for security should also be analyzed from a broader perspective of social life and institutions that put an order to this life, and thus include state's institutions. Here, the institution of justice as the one equipped in the state's authority and means of enforcement can directly or indirectly affect the satisfaction of this need. That is why the need for security should also be interpreted as the need for justice and adequate legal protection, the provision of which is a fundamental obligation of the state's structures towards a human being who happens to find himself on the territory where that law is binding (even if he/she is formally not a citizen). This obligation, executed within the state's social policy framework, should be carried out through the legal aid system mentioned hereinabove.

Undoubtedly, the issue of improving the efficiency of the Polish legal aid system is worth reflecting upon. Research conducted in some countries on legal aid in the strict sense of the term indicates significant discrepancies in the efficiency of using funds allocated to legal aid. Same funds are spent by a state on legal aid within the traditional model of court-appointed defense council (all listed attorneys have to take cases *pro bono*) and definitely spent less efficiently compared to other solutions, when attorneys are hired only to run such cases (e.g. the public defender office). In the second case the average cost of a lawsuit is smaller and many more lawsuits, with legal aid being free for the party, can be successfully han-

[14] See more in: A. Maslow, Motywacja i osobowość, Warszawa 2009.

[15] T. Mądrzycki, Psychologiczne prawidłowości kształtowania się postaw, Warszawa 1970, p. 21.

dled[16]. However, as it comes to a broader formula of free legal aid which in many cases determines the actual accessibility of the court, a cohesive system of legal aid centers should be set up throughout the country, financed by the state's budget (perhaps with the contribution of local authorities as entities responsible for shaping social policy on the commune or district level). This is the only solution that will ensure adequate standard of legal aid services and their continuity and comprehensiveness, which student-run legal assistance offices and similar ventures, as well as legal aid programs initiated by non-governmental organizations are not able to provide. And this is not for the lack of competence but mostly because of limited access to resources and organizational and legal instruments, as well as limited territorial coverage.

Abstract

The Author devoted her treatise to issues of social policy in the areas of combatting legal exclusion, restricting the discussion to justice in civil matters. The Author pointed out the essence of this exclusion understood as a kind of legal exclusion and also characterized its scope in the case of the right to present one's plea in court in civil cases. Indicating the reasons for the legal exclusion the Author pointed out the relationship between this kind of exclusion and poverty. The final element of the treatise was the analysis of solutions used by democratic countries in the fight against legal restrictions on access to court as a key example of legal exclusion.

[16] Ł. Bojarski, Dostępność nieodpłatnej pomocy prawnej. Raport z monitoringu, Warszawa 2003, p. 96.