

Załącznik 2 b)/Attachment 2 b)

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**PRESENTATION OF SCIENTIFIC ACHIEVEMENTS
AND CAREER TRACK**

1. First name and surname:

ADAM ZIENKIEWICZ

2. Diplomas and academic degrees (with names, places and dates) and the title of the doctor al dissertation:

1999 - MA in political science (specialization field: philosophy and ethics), Institute of Political and Social Sciences, Pedagogical University in Olsztyn. Master's thesis: "Law and morality – Selected Issues on Legal Philosophy" (the Chair of Contemporary Philosophy – seminar on history of philosophy).

2000 - Masters of Law degree, Faculty of Law and Administration, University of Gdańsk. Master's thesis: "Lawyers' Convincing Skills" (the Chair of Theory and Philosophy of Law – seminar on legal theory and philosophy).

2007 - Doctor of Jurisprudence in legal sciences (specialization field: legal theory and philosophy) awarded by the Council of the Faculty of Law and Administration of Maria Curie-Skłodowska University (the MCSU) in Lublin - title of the dissertation: *Mediation in Civil Law Cases – a Theoretical Approach*. Dissertation supervised by prof. dr hab. Andrzej Korybski, reviewers were prof. dr hab. Jolanta Jabłońska-Bonca and prof. dr hab. Leszek Leszczyński. Individual award for best Polish doctoral dissertation on legal theory, legal logic, legal sociology, methodology of jurisprudence, legal ethics – the 4th Edition of the Professor Zygmunt Ziemiński Award at the Faculty of Law and Administration of Adam Mickiewicz University in Poznań.

2002 – 2006 - training for attorney-at-law run by the Olsztyn Bar Association of Attorneys-at-Law (*Okręgowa Izba Radców Prawnych*). 2006 – the state exam and entry into the profession at the Olsztyn Bar. Since 2010 – a mediator at the Commercial Mediation Center established in the Olsztyn Bar Association.

3. Information on previous employment in scientific institutions:

University of Warmia and Mazury in Olsztyn (the UWM)

1999 – 2001 -research/teaching assistant to the Chair of Contemporary Philosophy, Institute of Political and Social Sciences, the UWM Olsztyn.

2001-2002 - research/teaching assistant to the Chair of Political Doctrines, Institute of Political Science, the UWM Olsztyn.

2002-2007 - research/teaching assistant to the Chair of Theory and Philosophy of Law and State at the Faculty of Law and Administration, the UWM Olsztyn.

2007 – 2016 – assistant professor to the Chair of Theory and Philosophy of Law and State at the Faculty of Law and Administration, the UWM Olsztyn. Since 2015 – The Chair of Philosophy and Legal Policies.

2010 – 2016 - a head of postgraduate studies in mediation (“Mediation and other forms of Alternative Dispute Resolution”) at the Faculty of Law and Administration, the UWM Olsztyn.

since 2016 – assistant professor to the Chair of Constitutional Law at the Faculty of Law and Administration, the UWM Olsztyn.

Other:

2007-2009 – lecturer at postgraduate studies in mediation (“Court and Out-of-Court Mediation”) at the Faculty of Faculty of Law and Administration of the MCSU in Lublin.

2012-2014 - lecturer at postgraduate studies in mediation (“Social Negotiations and Mediation”) the Institute of Law And Law an Administration of the *Humanitas* University (WSH), Sosnowiec.

since 2009 – an expert to the Center for Research, Studies and Legislation established in the National Bar Council of Attorneys-at-Law.

since 2011 - lecturer at postgraduate studies in mediation (“Mediation and other methods of Alternative Dispute Resolution”) run by the Center for Alternative Dispute Resolution at the Faculty of Faculty of Law and Administration of the Jagiellonian University in Kraków.

I have also been cooperating (apart from teaching at postgraduate courses, taking part in conferences and seminars) with Law Faculties of the universities: in Lublin (the MCSU) and Jagiellonian University in Kraków.

I am also a practicing mediator at the Commercial Mediation Center established in the Olsztyn Bar Association.

4. Accomplishments, as defined by Article 16, Item 2 of 14th March 2003 law on academic degrees and academic titles and on degrees and titles in the area of art. (Journal of Laws 2016, item 882, as amended in Journal of Laws 2016, item 1311.):

a. Title of scientific/artistic accomplishment:

Holizm prawniczy z perspektywy *Comprehensive Law Movement*. Studium teoretycznoprawne (*The Legal Holism from the perspective of Comprehensive Law Movement. Theoretical Approach*).

b. Author(s), title(s), year of publication, publisher:

Monograph (book): Adam Zienkiewicz, Holizm prawniczy z perspektywy *Comprehensive Law Movement*. Studium teoretycznoprawne (*The Legal Holism from the perspective of Comprehensive Law Movement. Theoretical Approach*), Wydawnictwo DIFIN, Warszawa 2018, pp. 441 (ISBN 978-83-8085-722-3), publishing reviewer: dr hab. Andrzej Korybski, prof. nadzw. UMCS.

c. Description of the scientific /artistic aims of the work above and results to date, including prospects and potential for further utilization.

The **main scientific ambition and goal** of the presented monograph is to point out and indicate diversified methods of conflict-managing (dealing not solely with results, but also with the causes of conflicts) that may be applied in holistic lawyering as well as to word the coherent, a signature-styled idea of holistic approach to law. The **secondary goal** is further **integration** of legal theory with other branches of social science. The aim of the book is also to correlate the theoretical points with practical experience – since the Author has been involved in legal counseling and in mediation practice for several years.

Regarding the impossibility of eliminating conflicts of various (interpersonal, intergroup or international) nature that lead to military conflicts, terrorism, criminality or at least everyday-life conflicts or contradictions, there is a need to indicate and apply diversified methods of managing that deal not solely with results, but also with the causes of conflicts. Without overestimating the role of lawyers, it seems that the scale of applying the alternative methods of conflict resolving to legal disputes remains low. “Lawyer” has been considered as a profession linked to confrontation and competition rather than to mutual understanding, cooperation or reconciliation. Traditional judicial process (trial) followed by the mandatory execution of civil or criminal judgment does not (especially in the situation of psychological or social complexity) correspond with eliminating the causes of particular conflict, establishing peaceful interpersonal relationship or moral grow either with preventing from recidivism or negative social attitude.

According to the request that legal theory (and philosophy) shall examine the issues that have a significant importance for legal practice as well as it shall “link” the jurisprudence with other social sciences – the main aim of the research and of the dissertation was an attempt to word the coherent, a signature-styled idea of holistic approach to law. Such idea shall cover: the role and competence of a lawyer and the scope and manner of a legal practice, viewed differently from the traditional manner as based on the competitive approach and on a narrow area of expertise. The holistic approach to law and legal practice is, on the contrary, based on multifunctional nature of lawyering as well as on therapeutic/anti-therapeutic and transformative role of law that affect the psychological and social level of human life. It also leaves aside the force – as a basic factor in law and legal order. The holistic approach focuses on lawyers’ competence to help with preventing conflicts (their arising, increasing or re-ingniting) and to solve them having regard to various aspects of life – in particular of psychological and social nature. It covers such ideas as the *peacemaking*, the *collaborative team* and the *community decision maker*. This leads to taking into consideration not solely the *legal needs*, but also the *human needs* – and to searching for the solutions covering also the extra-legal aspects of a

dispute (as psychological, emotional, communicative, ethical etc.) related to the general *human wellbeing*. Legal holism puts the particular emphasis on the additional analysis of - as it is known - the *rights plus* issue while solving legal problems. The open catalogue of *rights plus* covers: needs, emotions, feelings, aims, resources, values, morals, beliefs and convictions as well as interpersonal liaisons, state of being, level of personal (also: moral) development or social welfare - that are individual and subjective for any client/the party to the dispute and that may and should influence the final solution. While dealing with legal problems and issues - in particular conflict-solving - a significant role may be played not solely by traditional paradigm (based on competitive approach and *win-lose* model), but also by the individual factors as: understanding, recognition, apology, forgiveness, reconciliation or even relation/attitude-healing or balance-building on personal, interpersonal and social level.

The proposed concept of legal holism - being ambitiously and generously designed - has been focused on numerous relevant areas, such as relation between law and legal subject, as well as multi-aspect approach to the role of a lawyer, while counseling; representing before courts of law; legal assistance; dispute resolving or bringing to justice. The research findings have led to a concept of legal holism determined by broadly understood functions of law, legal practice and lawyering, in particular - the conflicts-handling. Presentation of legal holism notions has been based on a theoretical analysis of both reconstructive and operative (normative) nature that can be applied to legal practice. The publication, identified as a scientific accomplishment, is comprehensive in nature and - to a large extent - presents an interdisciplinary approach. Particular chapters have been devoted to philosophical, theoretical and practical issues, such as:

- 1) the main ideas inspiring the concept of legal holism, arising from interdisciplinary *Comprehensive Law Movement*, including basic elements of CLM - inter alia - *Holistic Justice*, *Therapeutic Jurisprudence*, *Preventive Law*, *Creative Problem Solving*, *Problem-Solving Courts* (in particular - *Drug Treatment Court*, *Domestic Violence Court*, *Mental Health Court*) as well as objectives of *Therapeutic Jurisprudence Model of Problem Solving Courts*;
- 2) the multi-aspect and interdisciplinary nature of legal holism, corresponding with the ontological ideas of multilevel nature of law and the methodological approach concerning external integrity of legal science;
- 3) the essence of holistic approach to law, stressing out its therapeutic and transformative nature together with its basic *triada* of law - legal subject - lawyer;
- 4) the basic kinds of holistic attitude in lawyering (elementary holism, broad (proper) holism, transformative holism);
- 5) the holistic approach to the case and to the client/party to the dispute (holistic diagnosis of a particular case);

- 6) the diversity of roles and competence of a „holistic lawyer” – particularly in an ethical aspect ("*think like professional*");
- 7) the basic assumptions of holistic dispute-handling, adopting the *Comprehensive Dispute Resolution* (CDR) paradigm;
- 8) the comparison of models and main features of traditional judicial process (trial), the *Alternative Dispute Resolution* (ADR) and the *Comprehensive Dispute Resolution* (CDR);
- 9) the holistic approach to legal assistance (in particular to a liaison between a lawyer and their clients in the context of purpose, nature and dynamics of legal counseling);
- 10) the holistic approach to justice, including the understanding of a court-of-justice system and an access to justice; a paradigm of justice; functions, roles and competence of „holistic judge” and the idea of a *Problem Solving-Court*;
- 11) the comparison of models and main features of holistic and traditional approach to justice – in particular the classic trial and the activities of the *Problem-Solving Courts*.

The proposed concept has taken into account basic ideas and theories of – quite unacknowledged to Polish jurisprudence - the *Comprehensive Law Movement*. Moreover, it has incorporated the findings of multiannual and interdisciplinary research as well as legal practice and teaching experience of its Author. The research was covering the legal and extra-legal perspectives (i.e. psychological and social, communicative), regarding the progress in new technologies and the recent issue of *Artificial Intelligence and Law*. The personal legal and lawyering experience - as a attorney-at-law litigating in courts, as an arbitrator and – last but not least as a mediator have been particularly inspiring for the academic remarks and conclusions. The decision to undertake an attempt to formulate and word the very own concept of legal holism has been gestating gradually for several years, basing on self-education and development as well as on diverse personal and professional experience. Regarding the latter one – the main professional areas that have influenced the shape of the proposed concept cover both academic (including scientific work and teaching) and legal practice experience.

The scientific aspect has been inspired not solely by various ideas of the *Comprehensive Law Movement* theory, but also by earlier research findings covering the alternative methods of dispute handling; the notion of justice and diversified roles, functions and methods of lawyering. Such research has been linked – apart from the jurisprudence – to social sciences such as: psycho – and sociology and to theory of communication, including the issue of – as it is known – *Artificial Intelligence and Law*.

The teaching experience has led to increasing and exchanging knowledge while conducting the course on “Psychology of Law” at the UWM in Olsztyn as well as other courses covering the issues of rhetoric, communication, negotiations and mediation aimed at different audiences (mainly students and post-graduated students) at the MCSU in Lublin and the

Jagiellonian University in Kraków. The experience of a particular importance was the aforementioned position of the head of postgraduate studies in mediation (“Mediation and other forms of Alternative Dispute Resolution”) at the Faculty of Law and Administration of the UWM Olsztyn, which brought an unique opportunity to establish the own (post-grad) programme of studies, covering relevant issues on law, communication, psycho – and sociology and on the ADR and being conducted by interdisciplinary team of experts (lawyers, mediators, psychologist and social servants – both academics and practitioners).

The practical experience has been gained while working as a practicing lawyer (attorney-at-law), an arbiter, a mediator (both - an *ad hoc* mediator and a mediator listed at the Commercial Mediation Center established in the Olsztyn Bar Association). Such experience allowed to verify or falsify academic theses and ideas in conjunction with other practitioners as well as the beneficiaries of legal aid and the parties to the legal disputes.

The research findings have allowed to formulate own (and at the same time new) proposals of philosophical, theoretical and practical nature applicable to different legal systems – including both common and civil law legal cultures. The accomplishments presented in this summary are innovative and pioneering to a large extent. The major issues cover:

- Firstly, wording the major points of holistic approach to law that, in particular:
 - a) putting the emphasis on specific – personal, structural and performative – dimension of law and lawyering, based on aforementioned *triada* of law – legal subject – lawyer;
 - b) regarding – apart from other social functions – that so-called „law in action” plays the significant role for holistic conflict-handling. It also deals with the therapeutic and transformative elements influencing human life (at its behavioral, psychological and social level) and with legal solution that regard not solely the results but also the reasons of conflict;
 - c) recognizing multi-ontological and multi-methodological nature of legal phenomena as well as the external integration of law and legal science (particularly with psycho- and sociology);
 - d) recognizing various and complementary ontological concepts of law and “mediating” their elements within legal philosophy, focusing on an individual as an object and subject of law;
 - e) overcoming dichotomous dilemma „is law for its sake or for humans sake rather?” by pointing out that the process of law-recognizing is, in fact, the process of recognizing a human being as an object, subject and the main purpose of law in itself¹.

- Secondly, the holistic approach to the case and to the client (so-called “holistic diagnosis of the case”), regarding the entire situation (in its rational, emotional, physical, social and spiritual level) of the individual and not basing solely on any particular aspect of human life,

¹ See: A. Kaufmann, *Rechtsphilosophie*, München 1997, p. 152; J. Potrzebacz, *Filozoficzno-prawna droga Arthura Kaufmanna*, „Roczniki Nauk Prawnych” 2011, vol. XXI, no. 1, p. 39.

since it cannot be reduced to any of them and is a compound of many mutually related elements.

Such holistic diagnosis of the case covers the following aspects:

- a) legal and extra-legal, but remaining within the system of social norms;
- b) personal qualities of a client/party to the dispute;
- c) causes of a conflict/dispute;
- d) professional, family and social factors;
- e) therapeutic and transformative role of law and lawyering;
- f) lawyer-client relationship.

- Thirdly, distinguishing 3 main kinds of holistic approach in legal practice (elementary holism, specific holism and transformative holism), related to the figure of the "holistic lawyer" with their "*think like professional*"-approach as well as the integrative approach to the case and the client. Such approach arises from a specific "lawyer personality", which is based on self-awareness and ethical reflection that shall be developed while legal studies, legal training and legal practice experience. The holistic attitude towards the role of a lawyer is also a matter of personal preference.

- Fourthly, identifying various (and alternative) roles of a holistic lawyer, such as (as it is known): *preventive lawyer, creative problem-solver, collaborative lawyer, affective/relational lawyer, therapeutic lawyer, coach, an agent of change, healer or peacemaker*. The holistic approach to law and legal practice, inspired by the *Comprehensive Law Movement* and then based on multifunctional nature of lawyering as well as on therapeutic and transformative role of law that affect the psychological and social level of human life, defines lawyering in a broad sense and shapes the lawyer-client relation more humanely.

- Fifthly, calling for the lawyers' self-development based on multifactor emotional intelligence as well as on interdisciplinary competence and listing the areas that shall be provided while legal studies and training in order to enable adopting the holistic approach in lawyering.

- Sixthly, presenting the concept of dispute-handling, based on *Comprehensive Dispute Resolution* (CDR) paradigm (quite unacknowledged to Polish jurisprudence) that creates a "third path" and that bridges the gap between traditional judiciary and *Alternative Dispute Resolution* (ADR). Such issue covers:

- a) basic relation between CDR and judicial process (trial) or CDR and ADR;
- b) holistic dispute-handling adopting CDR paradigm;
- c) comparison of various methods involving a „third person" (mediation, arbitration, judiciary)
- d) comparison of judicial process (trial), ADR and CDR.

- Seventhly, indicating the holistic approach to legal counseling, in particular own concepts of:

- a) lawyer-client relation (regarding its significance for counseling);
- b) goals and qualities of holistic counseling;
- c) model of holistic counseling supporting the choice of most effective way of handling the dispute.

- Eighthly, demonstrating holistic approach to justice, including:

- a) concept of justice and the access to justice in their broad sense (which is a basis for holistic approach) as well as concept of diversified justice (pluralism of justice);
- b) concept of *Problem-Solving Court* (PSC) and its nature, including also its basic types as: *Drug Treatment Court, Domestic Violence Court, Mental Health Court*) as well as major issues of *Therapeutic Jurisprudence Model of Problem Solving Courts*;
- c) main qualities of holistic justice such as:
 - traditional judicial process (trial) and its therapeutic and transformative version within the *Problem-Solving Courts*;
 - classic (so-called *problem-solving*) mediation versus transformative mediation, their comparison and their disparities, depending on paradigms of: *Adversarial Justice, Alternative Dispute Resolution* (ADR) or *Comprehensive Dispute Resolution* (CDR).

It is worth to emphasize that I have made an attempt to introduce to the legal and social sciences my very own understanding of the basic notions, such as: a case; a case-handling; a conflict; a dispute and a dispute-handling as well as my own concepts of: legal holism; holistic approach to law; therapeutic and transformative dimension of law; holistic lawyer; elementary holism, broad (proper) holism and transformative holism; holistic counseling; holistic diagnosis; holistic lawyering; holistic dispute-handling and holistic (therapeutic and transformative) approach to justice.

The presented concept of legal holism is a *continuum* of ideas introduced to Polish jurisprudence by A. Korybski², pointing out the need for creating socially-oriented legal theory and for the multi-aspect approach to law (including anthropologic, sociologic and comparative analysis as well as interdisciplinary cooperation between lawyer and representatives of other (mainly social) sciences. Such approach, in consequence, shall lead to vision of law as a multilevel tool of conflict-resolving.

The holistic approach to law indicates – with all respect to the traditional justice – such areas of lawyering as: active listening (building the lawyer-client relation); holistic diagnosis of a particular case; holistic counseling regarding other than legal aspects of the case; preventing form repetitive conflicts; holistic dispute-handling; holistic approach to justice *at cetera*.

The proposed legal holism bring to lawyering such values as hope, cooperation and peace

² See: A. Korybski, *Alternatywne rozwiązywanie sporów w USA – studium teoretycznoprawne*, Lublin 1993, p. 11, 14, 168-169, 193.

rather than competition, pessimism or struggle. Thereby – it highlights the special role of lawyers in society.

The concept of legal holism, belonging to “*law in action*” approaches to law, also may be viewed as an attempt to synthesize the existing *acquis* on contemporary legal philosophy concerning the ontological matter of law and to “mediate” between different visions of law regarded as a form of social communication.

Regarding the **methodological framework** of the research, it encompasses: (1) general logical reasoning (analysis – including comparative one, synthesis, classification and systematization) and (2) empirical methods (observation and description). It is worth to emphasize that also interdisciplinary approach has been applied (due to the concept of multi-level and multidimensional nature of law) in order to refer to existing *acquis* on various disciplines of social sciences.

The study uses the following **research techniques (methods)**: content analysis of currently binding legal act and documents, participant observation as well as the analysis and review of relevant literature, including critical and evaluative approach.

The monograph consists of an introduction and eight chapters. Each chapter provides a summary of the research conducted to date and its findings.

The monograph is mostly directed to researchers and academic environment (which includes also representatives of diversified legal professions); students and postgraduate students as well as trainees to the legal professions and – last but not least - lawyers.

Considering the scope and the scale of the presented research, the epistemological framework, and the ambition to word and present a very own concept of legal holism rather than choosing the all-too-common path of description, **the accomplishments presented in this summary are innovative and pioneering** to a large extent. The underlying research was at once a challenge, a source of intellectual inspiration, as well as an opportunity for personal and professional development.

5. Summary of other accomplishments (scientific, creative etc.)

My academic work, so far, consists of approximately (over) 60 scholarly publications, including 6 published prior to obtaining the PhD degree. It covers:

- a) Five (5) monographs,
- b) Thirty nine (39): scientific papers, book chapters and other minor publications that have been published or accepted for printing in Poland,

- c) Fourteen (14) papers in foreign languages, including so-called congress working languages (English, German, Russian, Ukrainian), published, *inter alia*, in: Austria, Germany, Russian Federation, Ukraine and the USA,
- d) Four (4) expert-opinions (concerning the draft law) for the Center for Research, Studies and Legislation established in the National Bar Council of Attorneys-at-Law³.

Aforementioned articles or chapters have been published by - both leading Polish publishing houses (Wolters Kluwer, C.H. Beck, Difin) and legal journals, including listed at *the A-list* (e.g. „The Scientific World Journal”, „Kwartalnik ADR. Arbitraż i mediacja”, „Archiwum Filozofii Prawa i Filozofii Społecznej”) and prestigious international publishing houses (Peter Lang Publishing, Springer).

My academic interests to date can be split into several clear fields. They cover not solely theory and philosophy, but also consider the issues of:

- 1) Theory and practice of the *Alternative Dispute Resolution* (ADR), particularly – mediation;
- 2) Justice understood in its broad sense (including the concept of *Multidoor-Courthouse Multidoor Project*) involving diversified forms of dispute-handling, adjusted to the particular case;
- 3) Applying the new techniques of so-called *Artificial Intelligence and Law to Alternative Dispute Resolution* (ADR);
- 4) Methods of lawyering, legal rhetoric and ethics, multi-nature role of a lawyer;
- 5) Psychology and law.

Within the scope of research and academic activities I was also participating in numerous national and international seminars and conferences⁴.

In addition, I worked on the elements of presented monograph and on the scientific issues mentioned below within the research teams (including interdisciplinary ones) at the universities of the UWM, the MCSU as well as the Jagiellonian University and the *Humanitas* University. Part of this work was participation in grants or research projects. In 2015 I was a co-investigator to the research project titled “Conflict-solving in Social Assistance System (increasing the area of mediation)” (*Rozwiązywanie konfliktów w pomocy społecznej (poszerzanie obszaru mediacji)*), obtained by the Ministry of Science and Higher Education, hosted by the *Humanitas* University (WSH) and supervised by dr hab. A. Kalisz (project number: 217908/E-713/S/2015). It resulted with numerous a joint publication (a monograph): A. Kalisz, A.

³ For the detailed list of publications see Attachment nr 3 b).

⁴ For the detailed list of publications and other additional information see Attachment nr 4 (in Polish).

Zienkiewicz, *Alternative Dispute Resolution in Social Assistance: Communication, Conflict Psychology, Social Negotiations and Mediation*, (in Polish: *Polubowne rozwiązywanie konfliktów w pomocy społecznej: komunikacja, psychologia konfliktów, negocjacje i mediacje socjalne*, Sosnowiec 2015).

5.1. Theory and practice of the *Alternative Dispute Resolution (ADR)*, particularly – mediation;

The main results of the interests and research in this area are cover in four (4) monographs:

I) A. Zienkiewicz, *A study on Mediation. From Theory to Practice*, Difin, Warszawa 2007 (in Polish: *Studium mediacji. Od teorii ku praktyce*);

II – III) two editions of the co-authored monograph A. Kalisz, A. Zienkiewicz, *Court and out-of-court mediation. The Outline* (in Polish: *Mediacja sądowa i pozasądowa. Zarys wykładu.*), Wolters Kluwer, Warszawa 2009 and - expanded and revised 2nd edition - Wolters Kluwer, Warszawa 2014;

IV) aforementioned co-authored monograph - A. Kalisz, A. Zienkiewicz, *Alternative Dispute Resolution in Social Assistance: Communication, Conflict Psychology, Social Negotiations and Mediation*, (in Polish: *Polubowne rozwiązywanie konfliktów w pomocy społecznej: komunikacja, psychologia konfliktów, negocjacje i mediacje socjalne*), Wydawnictwo Humanitas, Sosnowiec 2015;

as well as in plenty of articles/chapters (listed below in Polish, English and Russian):

- 1) A. Zienkiewicz, *Różnorodny paradygmat mediacji – odpowiedź na wielocelowość dyskursu mediacyjnego*, „Kwartalnik ADR. Arbitraż i mediacja” No. 2 (2)/2008, p. 61-77;
- 2) A. Zienkiewicz, *Reframing – uniwersalna technika mediacyjna*, Edukacja Prawnicza No. 04 (97) kwiecień 2008, p. 39-40;
- 3) A. Zienkiewicz, *Standardy prowadzenia mediacji i postępowania mediatora – uchwalone przez Społeczną Radę ADR przy Ministrze Sprawiedliwości*, „Studia Prawnoustrojowe” 2012, No. 18, p. 185-200;
- 4) A.Zienkiewicz, *Mandatory mediation - remarks on determining a dispute's suitability for mediation and the parties' concerns regarding mediation*, *Studia Iuridica Lublinensia*, Vol 27, Nr 3, 2018, p. 61-71;
- 5) A. Zienkiewicz, *Amicable Dispute Resolution: a Comparison of the Polish and Russian Legal Perspective*, „Comparative Studies in Law and Politics”, vol.2, issue 1, May 2014, p. 61-67;
- 6) A. Zienkiewicz, *Медиацця в Польшеи России*, „Lex Russica” 2014, No. 4, p. 469-476.

Within the scope of this field of research and academic activities I also participated in numerous national and international seminars and conferences⁵ linked to such matter.

Such interests also resulted with:

- a) creating the program of the postgraduate studies in mediation (“Mediation and other forms of Alternative Dispute Resolution”) and the position of the head of such unit;
- b) teaching activities at other postgraduate studies in mediation (the MCSU Lublin, *Humanitas* Univeristy (WSH) - Sosnowiec and the Jagiellonian University - Krakow)
- c) being invited (on three occasions - 2008, 2009 and 2010) to the panel of experts at the nationwide seminar „Legal mediation and negotiation” organized jointly by The Faculty of Law and Administration of Cardinal Wyszyński University (UKSW) in Warsaw, the Faculty of Law and Administration of University of Gdańsk, the „Edukacja Prawnicza” legal journal (C.H.Beck) as well as the Bar Association Research Centre, Polish Bar Foundation.

5.2. Justice understood in its broad sense (including the concept of *Multi-Door-Court-House*) involving diversified forms of dispute-handling, adjusted to the particular case

The main results of the interests and research in this area – covering the broad understanding of justice and arising also from the monograph A. Zienkiewicz, *A study on Mediation. From Theory to Practice*, Difin, Warszawa 2007- are published in numerous papers (in Polish, Russian and Ukrainian):

- 1) A. Zienkiewicz, *Mediacja w kontinuum form wymiaru sprawiedliwości* [in:] *Arbitraż i mediacja. Aktualne problemy teorii i praktyki funkcjonowania sądów polubownych i ośrodków mediacyjnych*, ed. J.Olszewski, Rzeszów 2009, p. 427-435;
- 2) A. Kalisz, A. Zienkiewicz, *Wymierzanie sprawiedliwości a mediacja*, [in:] *Rozdroża sprawiedliwości we współczesnej myśli filozoficznoprawnej*, ed.: B. Wojciechowski, M. Golecki, Toruń 2008, p. 263-274;
- 3) A. Zienkiewicz, *Медіація як форма здійснення правосуддя*, [in:] *Медіація як процедура в регулювання спорів шляхом досягнення консенсусу/ Інститут законодавства Верховної Ради України, Мюнхенський Інститут східноєвропейського права*, Kiev 2011, p. 13-34.
- 4) A.Zienkiewicz, *The concept of a comprehensive comparison - from legal theory to practice*, „Lex Russica” 2014, nr 10, p.1185-1190.

⁵ For the detailed list of publications and other additional information see Attachment nr 4 (in Polish).

The partial research findings were also presented at the international conference in 2010 (within the cooperation with the Institut für Ostrecht, München) and then published in German language by Peter Lang Publishing:

- 5) A. Zienkiewicz, *Mediation als eine Form der Justiz* [in:] *Mediationals Verfahren konsensualer Streitbeilegung. Die deutsche, polnische und ukrainische Perspektive*, ed. Tina de Vries, Frankfurt am Main 2012, p. 3-22.

The interests focused on such area have been inspired by F. Sander's thought (particularly by his concept of *Multidoor Courthouse Project*), which resulted with a paper:

- 6) A. Zienkiewicz, *Koncepcja sądu otwartego - wzmocnienie pluralizmu form wymiaru sprawiedliwości* [in:] *Mediacja - nowa droga rozwiązywania sporów*, ed. A. Rękas, Warszawa 2011, p. 29-47.

5.3. Applying the new techniques of so-called *Artificial Intelligence and Law to Alternative Dispute Resolution (ADR)*

The main results of the interests and research in this area (linked to the issue of *Online Dispute Resolution*) are numerous papers (in English) co-authored with M. Araszkiwicz, A. Łopatkiewicz (and at times by T. Żurek) and published as:

- 1) M. Araszkiwicz, A. Łopatkiewicz, A. Zienkiewicz, *Factors and Dimensions in Parent Plan Support System*, [in:] *Transparenz. Tagungsband des 17. Internationalen Rechtsinformatik Symposions. IRIS 2014*, Salzburg, ed.: E. Schweighofer, F. Kummer, W. Hotzendorfer, Wiedeń 2014, p. 103-111 (awarded in international "LexisNexis Best Paper Award IRIS 2014" and accepted to the "TOP-10 best research projects");
- 2) aforementioned - M. Araszkiwicz, A. Łopatkiewicz, A. Zienkiewicz, *Factor-based Parent Plan Support System*, [in:] *ICAAIL '13: Proceedings of the Fourteenth International Conference on Artificial Intelligence and Law*, ed.: E. Francesconi, B. Verheij, New York, USA 2013, s.171-175;
- 3) aforementioned - M. Araszkiwicz, A. Łopatkiewicz, A. Zienkiewicz, *Parent Plan Support System – Context, Functions and Knowledge Base* [w:] *Business Information Systems Workshops, BIS 2013 International Workshops*, Poznań, June 19-20, 2013, Revised Papers, ed.: W. Abramowicz, Springer Berlin Heidelberg, 2013, p. 160-171;
- 4) M. Araszkiwicz, A. Łopatkiewicz, A. Zienkiewicz, T. Żurek, *Representation of an Actual Divorce Dispute in the Parenting Plan Support System*, [w:] *ICAAIL '15: Proceedings of the 15th International Conference on Artificial Intelligence and Law*, San Diego, New York 2015, p. 166-170;

- 5) M. Araszkiwicz, A. Łopatkiewicz, A. Zienkiewicz, T. Żurek, *Framing a Knowledge Base for a Legal Expert System Dealing with Indeterminate Concepts*, *The Scientific World Journal* volume 2015, Article ID 985425, 14 pages, 2015. doi:10.1155/2015/985425.

The listed papers covered an idea of a special computer system, designed to serve the ADR methods of dispute-resolving in the matter of family disputes, parental plans and parental responsibility (*Parenting Plan Support System*). Papers on different aspects of *Parenting Plan Support System* have been published in Austria, Germany and in the USA (including *the A-list journal*) and have been presented, as partial research findings, at the prestigious domestic and international conferences⁶ regarding *Artificial Intelligence and Law* issues (*inter alia* in Rome, in Salzburg, and in San Diego).

Apart from the family and parental issues the research on *Artificial Intelligence and Law* covered also the increasing role of a usage of new technologies in the *Alternative Dispute Resolution* (ADR) and the Online Dispute Resolutions (ODR) as a combination of law, economics and modern informational technologies. It resulted with author- and co-authorship of the following papers in Polish and in English:

- 6) M. Araszkiwicz, A. Łopatkiewicz, A. Zienkiewicz, *The Role of New Information Technologies in Alternative Resolution of Divorce Disputes*, *European Scientific Journal*, June 2014, Special edition, vol. I, p. 549-558;
- 7) A. Zienkiewicz, *Nowe technologie informatyczne na tle pozasądowego rozwiązywania sporów konsumenckich w prawie Unii Europejskiej*, *Edukacja Prawnicza* No. 10/2014, p. 15-18;
- 8) A. Zienkiewicz, *Personal Traits that Hinder Cooperative Negotiations Regarding Familial Disputes and the Usage of Modern Informational Technology* [in:] *The 15th International Conference on Group Decision & Negotiation Letters*, ed.: B. Kamiński, G. Kersten, P. Szufel, M. Jakubczyk, T. Wachowicz, Warsaw School of Economics Press, Warszawa 2015, p. 83-90;
- 9) A. Zienkiewicz, *Europejska platforma ODR – alians prawa, ekonomii i nowych technologii informatycznych na tle internetowych transakcji transgranicznych*, [in:] *Prawo a ekonomia - alianse w budowie efektywnego państwa*, ed.: M. Kowalczyk, P. Majer, Olsztyn 2016, p. 251-260.

⁶ For the detailed list of publications and other additional information see Attachment nr 4 (in Polish).

5.4. Methods of lawyering, legal rhetoric and ethics, multi-nature role of a lawyer

The fourth area of my academic interests covers the methodology of lawyering (concerning the communication aspect as well as various social roles of lawyers).

The main results of the interests and research in this area are published in the following papers:

- 1) A. Zienkiewicz, *Refleksyjna porada prawna* [in:] *Refleksyjność w prawie. Inspiracje*, ed.: J. Karczewski, M. Żuralska, Warszawa 2015, p. 197-212;
- 2) T. Czajczyc, A. Zienkiewicz, *Komunikacja w mediacji z udziałem osób z uszkodzeniem słuchu*, „Arbitraż i mediacje” No. 1/2012, Warszawa 2012, p. 47-64;
- 3) A. Kalisz, A. Zienkiewicz, *Prawnik w mediacji*, „Arbitraż i mediacje” No. 2/2013, Warszawa 2013, p. 35-55;
- 4) A. Zienkiewicz, *Specyfika dyskursu integracyjnego* [in:] J. Bralczyk, J. Dubois, G. Holoubek, Cz. Jaworski, Z. Krzemiński, G. Matyszkiewicz, J. Naumann, K. Piesiewicz, M. Radwan-Rohrenscheff, A. Rościszewski, J. Stuhr, A. Tomaszek, J. Wasilewski, E. Wende, T. De Virion, Z. Zapasiewicz, J. Zajadło, K. Zeidler, A. Zienkiewicz, *Wymowa prawnicza*, (*The 4th edition*), Warszawa 2014, p. 189-199 (followed by two-time participation in expert seminar on such matter);

as well as in the previously mentioned monograph: A. Kalisz, A. Zienkiewicz, *Polubowne rozwiązywanie konfliktów w pomocy społecznej. Komunikacja. Psychologia konfliktów. Negocjacje i mediacje socjalne*, Sosnowiec 2015.

Within the scope of this field of research and academic activities I also participated in numerous national and international seminars and conferences⁷ linked to such matter.

These research interests also resulted twice with the expert position at the seminar concerning legal speech and discourse run by the Faculty of Law and Administration of Cardinal Stefan Wyszyński University (UKSW) in Warsaw, the Faculty of Law and Administration of Cardinal Stefan Wyszyński University of Gdańsk., Bar Association Research Centre, Polish Bar Foundation and the „Legal Education” (C.H. Beck), as well as with mentoring seminar for PhD students at the UWM Olsztyn.

⁷ For the detailed list of publications and other additional information see Attachment nr 4 (in Polish).

5.5. Psychology and law

The interests in such area (particularly psychology) have been sustained by the lawyering experience – namely, the contact with the clients (parties to a legal dispute) as attorney-at-law or mediator, as well as by multi-disciplinary teaching activities. Particular importance shall be given to the course on “Psychology of Law” conducted for the law students at the final grade, but also courses on: rhetorics, communication, negotiations and mediation.

The main results of the interests and research in this area are published in the following papers (in):

1) A. Zienkiewicz, *Therapeutic Jurisprudence* [in:] *Filozoficzne i teoretyczne zagadnienia demokratycznego państwa prawa*, ed.: M. Andruszkiewicz, A. Breczko, S. Oliwniak, Białystok 2015, s. 173-180;

2) A. Zienkiewicz, *Transformacyjny wymiar dyskursu integracyjnego. Kilka uwag z perspektywy psychologicznej teorii ontogenezy Lawrence’a Kohlberga*, Księga Jubileuszowa Profesora Andrzeja Sylwestrzaka, „*Studia Prawnoustrojowe*” No. 26/2014, p. 381-396;

3) aforementioned monograph A. Kalisz, A. Zienkiewicz, *Polubowne rozwiązywanie konfliktów w pomocy społecznej. Komunikacja, psychologia konfliktów, negocjacje i mediacje socjalne*, Sosnowiec 2015;

4) A. Zienkiewicz, *Holistyczna metoda diagnozy sporów prawnych – od prawa do psychoterapii* [in:] *Rozwiązywanie sytuacji konfliktowych w wymiarze jednostkowym i społecznym*, ed.: M. Plucińska, Poznań 2014, s. 225-234;

5) A. Zienkiewicz, *Obawy stron przed rozwiązywaniem sporów poprzez mediację* [w:] *Mediacje w prawie*, ed.: J. Czapska, M. Szelaż – Dylewski, Kraków 2014, p. 29-44;

6) A. Zienkiewicz, *“Feeling versus Thinking Style of Decisionmaking” - czynniki personalne sprzyjające kooperacji stron w procesie decyzyjnym prowadzonym w celu rozwiązania sporu* [in:] *Zagadnienia stosowania prawa. Perspektywa teoretyczna i dogmatyczna*, ed.: W. Dziedziak, B. Liżewski, Lublin 2015, p. 243-254;

7) aforementioned paper - M. Araszkiwicz, A. Łopatkiewicz A. Zienkiewicz, *Personal Traits that Hinder Cooperative Negotiations Regarding Familial Disputes and the Usage of Modern Informational Technology* [in:] *The 15th International Conference on Group Decision & Negotiation Letters*, ed.: B. Kamiński, G. Kersten, P. Szufel, M. Jakubczyk, T. Wachowicz, Warsaw School of Economics Press, Warszawa 2015, p. 83-90;

8) A. Zienkiewicz, *The Lawyer Personality. Właściwości personalne prawnik a wykonywanie roli zawodowej*, *Archiwum Filozofii Prawa i Filozofii Społecznej*, no. 1 (16)/2018, p. 94-102;

9) A. Zienkiewicz, *Terapeutyczny wymiar prawa* [in:] *Wymiary prawa. Teoria. Filozofia. Aksjologia*, joint publication ed. by: M. Herman, M. Krotoszyński, P. F. Zwierzykowski (forthcoming).

Within the scope of this field of research and academic activities I also participated in numerous national and international seminars and conferences⁸ linked to such matter.

The research on holistic approach to law and lawyering resulted with a monograph presented as a “scientific accomplishment”. It covers the issue from the point of a *Comprehensive Law Movement*. The book is an attempt to word the coherent, a signature-styled idea of holistic approach to law. Such idea shall cover: the role and competence of a lawyer and the scope and manner of a legal practice, viewed differently from the traditional manner as well as the *triada* of law – legal subject – lawyer. The holistic approach to law and legal practice is based on multifunctional nature of lawyering, which implied the cross-disciplinary knowledge and methods. The research has led undoubtedly to discovering other interesting issues worth to be examine in future.

Therefore, apart from academic research, the monograph presented as a scientific accomplishment has been based on practical experience, research on other (neighbouring) areas and participant observation.

Olsztyn, 16/10/2018



Adam Zienkiewicz

⁸ For the detailed list of publications and other additional information see Attachment nr 4 (in Polish).