

EXTRAJUDICIAL CONSULTANCY

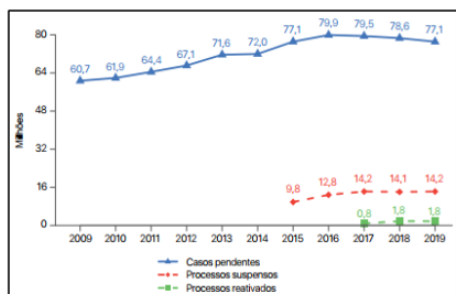


In Brazil, among several obstacles, the numerous number of cases pending judgment and/or compliance in most spheres of the national Judiciary (Common and Special Justice) stands out, a context that considerably corroborates the slowness in the delivery of judicial provision.

Recently, the report “Justice in Numbers 2020” was presented by the CNJ, whose reference year is 2019. In general terms, the preparation of this document aims to comply with the precept contained in item VII of §4 of article 103-B of the Federal Constitution , which provides that, among other powers relating to the control of the administrative and financial activities of the Judiciary, it is up to the CNJ, which does not have a jurisdictional function (only administrative), “to prepare an annual report, proposing the measures it deems necessary, on the situation of the Judiciary in the Country and the activities of the Council”. Therefore, it is possible to have an overview of the current scenario of the Brazilian Judiciary, as it brings important data relating to the number of new, pending or dismissed cases, available workforce, average duration of processes, among others, in all the spheres of justice.

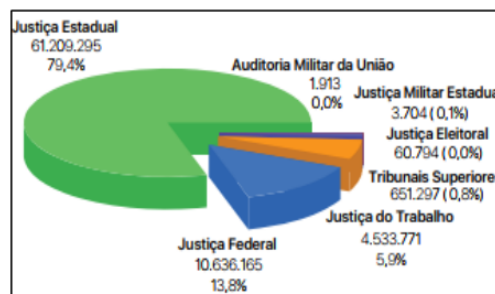
According to data contained in the report, at the end of 2019, 77.1 million cases were being processed in the country, awaiting a definitive solution (Graph 1), of which 61.7 million were in the Common State Court and 10.6 million in the Federal Common Court (Graph 2). Of these, 14.2 million (representing 18.5% of the total in progress) were suspended, suspended or on provisional file, pending the occurrence of a certain future legal situation. Therefore, disregarding these, there were, therefore, 62.9 million lawsuits in progress (BRASIL, 2020, p. 93).

Gráfico 1 – Série histórica dos casos pendentes



Fonte: Relatório “Justiça em Números 2020”, do Conselho Nacional de Justiça (2020, p. 95).

Gráfico 2 – Casos pendentes, por ramos de justiça



Fonte: Relatório “Justiça em Números 2020”, do Conselho Nacional de Justiça (2020, p. 95).

CONCILIATION AND MEDIATION APPLIED TO EXTRAJUDICIAL SERVICES

With the New CPC, the legislator also promoted the abandonment of the traditional vision of conflict resolution, focused solely on the unilateral imposition of the response to those through the State-judge, starting to honor other mechanisms capable of putting an end to a demand and/or hinder its proposal, which, despite already existing in the legal system, were little encouraged or used. They are: mediation, conciliation and arbitration.

With CNJ Resolution No. 125/2010, the idea of “System”, “Court” or “Multi-Door Justice” was implemented in the country. Also known as the “Comprehensive Justice Center”, Multiport Justice designates the implementation, application and promotion, by the State, of alternative (or integrative) means to resolve controversies, encouraging, above all, that they be sought through consensual means.

In this way, the disputing parties are presented with several options (called, metaphorically, “doors”) – such as mediation, conciliation, arbitration, negotiation, and, as a last resort, legal action itself –, and it is up to them to decide, given the existing conflict in the specific case, the most appropriate, that is, the one that will best satisfy the desires of each person involved (EL DEBS, M.; EL DEBS, R.; SILVEIRA, 2020, p. 115).