

Executive Summary

Courts

in figures

2014



PODER JUDICIÁRIO



CONSELHO
NACIONAL
DE JUSTIÇA

2014 National Concil of Justice

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1. Introduction

Courts in Figures, a report governed by Resolution N. 76, issued by the National Council of Justice, integrates the National System of Statistics of the Judicial Branch – SIESPJ. Such set of data provides for the consistent debate on the indicators of public spending, structure and litigation level of Brazil's Judicial Branch.

All data handled by SIESPJ is reported by Court Presidencies, in compliance with principles of publicity, efficiency, transparency, mandatory disclosure of statistical data and presumption of truthfulness. The Presidency of a Court is the body responsible for the accuracy of all information that has been reported to the CNJ, and it may delegate powers to a judge or a specialized civil servant who integrates the Statistical Division the attributions to generate, check and transmit statistical data.

This document summarizes the most relevant data addressed in the **Courts in Figures** report that covered the fiscal year of **2013**, adding relevant information to this four year time series. Such data refer to consolidated information disclosed by agencies and offices of the Judicial Branch, except the Federal Supreme Court (STF) and the councils. It encompasses, thus, information released by State Appellate Courts, Regional Federal Appellate Courts, Regional Appellate Labor Courts, State Courts of Military Appeals, Regional Electoral Courts, the Military Justice of the Federal Government (military audits and the Military Court of Appeals – STM), the Superior Court of Justice (STJ), the Superior Labor Court (TST) and the Superior Electoral Court (TSE)¹. The disclosed information comprises figures that refer to the 2nd instance, 1st instance, small-claims courts, appellate panels, regional harmonizing panels², and superior courts. The used indicators as well as in-depth assessments that individually address different court systems are available for consultation in the full report.

2. Financial Resources

The total expenditures of the Judicial Branch totaled approximately BRL 61.6 billion, an increase of 1.6% in relation to 2012³. This expenditure accounts for 1.3% in relation to the national GDP, 2.7% of the total expenditures of the Federal Government, States and Municipalities in 2013 and BRL 306.35 per inhabitant. The State Courts account for the largest share of expenditures, approximately 55% of the total amount spent by the Judicial Branch. The Labor Courts are responsible for the second largest expenditure (21% of the expenses made by the Judicial Branch), followed by the Federal Courts (13% of the total). It is worth noting that the increase of 24% in the total spent during the four-year period is influenced by

¹ The fiscal years of 2009 and 2010 only feature information on the State Justice, Labor Justice, Federal Justice and the Superior Labor Court - TST.

² Small-Claims Courts and Appellate Panels integrate both the State and the Federal Court Systems. Regional Harmonizing Panels integrate only the Federal Court System.

³ The monetary values referred to in this report, related to 2010 - 2013, are deflated by the Broad Consumer Price Index of December, 2013 (IPCA/DEC 2013).

the insertion of data reported by superior courts (TSE, STJ and STM), by the Electoral Court System and by State Courts of Military Appeals in the Courts in Figures reports only as of 2011 onwards.

Superior and Labor Federal Court Systems feature the largest percentages spent in human resources, 95.2% and 92.7%, respectively, whereas the State and the Military Court Systems account for the smallest shares, 88.1% and 88.9%, respectively (Table 2).

Information technology (IT) accounted for expenditures of BRL 2.7 billion, noting that such amount is equivalent to only 4.4% of all expenditures made by Brazilian courts and it has been accounting for an decreasingly larger share of the total budget, featuring an decrease of 0.2% in the past year. In proportion to their total expenditures, the superior courts are the instances that most invest in information technology, a 14.8% share of the budget. However, such significant percentage reflected the expenditures reported by the Superior Electoral Court, which amounted to BRL 223 million. The Electoral Court System comes next, with 8% of total expenditures allocated in information technology.

It is worth noting that the Judicial Branch collected approximately BRL 40 billion from miscellaneous revenues, which amounts to 59.4% of total expenditures, featuring a expanding in relation to 2012, when the revenues totaled BRL 24.6 billion, or 46.3% of total expenditures.

Table 1 – Expenditures of the Judicial Branch

Expenditure Description	2010	2011	2012	2013	2012x13 Var.
DPJ – Total Expenditures of Brazilian Courts	49,810,071,122	56,899,972,583	60,637,848,962	61,595,823,502	1.6%
% in relation to GDP	1.11%	1.22%	1.30%	1.27%	-0.03 p.p.
Expenditures on HR	44,562,392,220	51,012,614,948	53,817,515,747	55,300,153,774	2.8%
% in relation to DPJ	89.5%	89.7%	88.8%	89.8%	1 p.p.
Expenditures on Goods and Services	5,155,296,979	5,908,253,085	6,828,340,134	6,730,525,637	-1.4%
% in relation to DPJ	10.3%	10.4%	11.3%	10.9%	-0.3 p.p.
Expenditures on IT	1,561,956,010	2,084,604,014	2,772,024,702	2,723,099,395	-1.8%
% in relation to the Total	3.2%	3.6%	4.6%	4.4%	-0.2 p.p.

Source: Courts in Figures 2013

[1] p.p.: percentage points. When handling indexes, variations are preferably analyzed in absolute terms, in percentage points.

[2] All monetary values of 2009 - 2011 deflated by IPCA/DEC 2013.

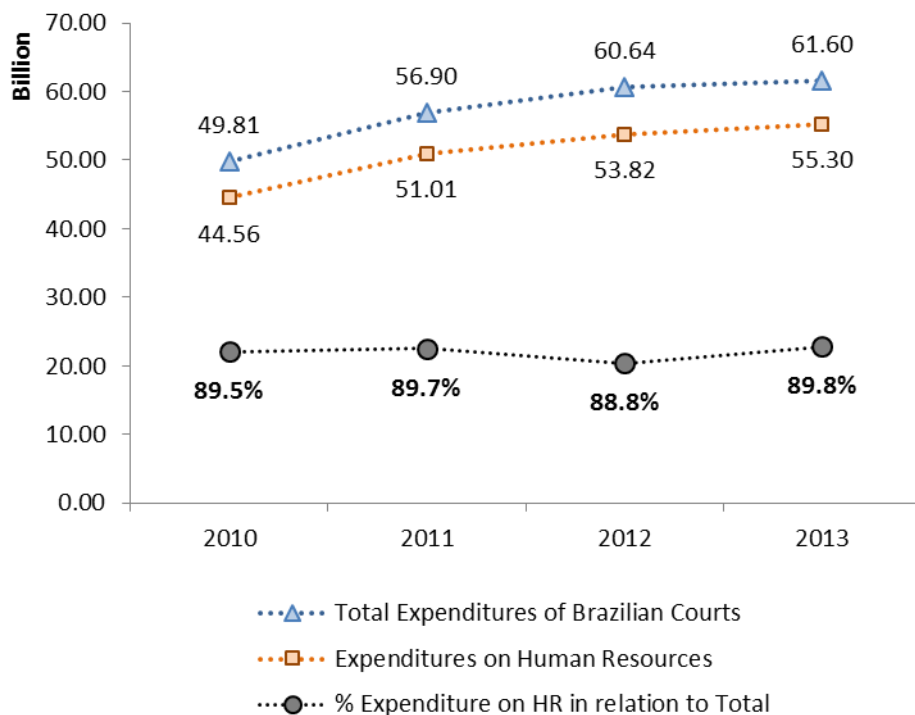
[3] STJ, STM, TSE, the Electoral Court System and the State Military Court System were included in the report as of 2011 onwards.

Table 2 – Expenditures of the Judicial Branch in 2013 by Court System

Court System	Total Expenditures of Brazilian Courts (DPJ)		Expenditures on Human Resources (DRH)		Expenditures on IT (Dinf)	
	Expenditure (BRL)	DPJ/GDP	Expenditure (BRL)	DRH/DPJ	Expenditure (BRL)	Dinf/DPJ
State Courts	33,986,928,028	0.70%	29,927,557,269	88.1%	1,515,294,340	4.4%
Federal Courts	7,782,658,043	0.16%	7,081,108,622	91.0%	275,394,912	3.5%
Labor Courts	13,122,034,771	0.27%	12,165,839,943	92.7%	299,863,778	2.3%
Electoral Courts	4,078,190,199	0.08%	3,632,657,155	89.1%	256,452,190	6.4%
State Military Courts	110,666,572	0.00%	98,425,759	88.9%	4,703,076	4.2%
Superior Courts	2,515,345,888	0.05%	2,394,565,026	95.2%	371,391,099	14.8%
Judicial Branch Total	61,595,823,502	1.27%	55,300,153,774	89.8%	2,723,099,395	4.4%

Source: Courts in Figures 2013

Graph 1 – Time Series of the Expenditures of the Judicial Branch



3. Human Resources

The Judicial Branch has 16,429 judges, noting that 12,553 of them (76%) serve in the first instance, which comprises the first degree of jurisdiction and the small-claims courts, and 2,305 of them are appellate judges. In addition to these judges, there are 82 ministers serving in the 4 superior courts (STJ, TST, TSE and STM), besides the judges of the appellate panels and

regional harmonizing panels. The number of judges has been gradually increasing, rising by 0.2% during the four-year period⁴ (Table 3).

Brazilian Courts count on a workforce of 413 thousand employees, of which 277 thousand (67%) are civil servants, servants requested from other government agencies or entities and employees without formal affiliation to public service, and 136 thousand occupy auxiliary positions as outsourced workforce, interns, lay judges and hearing officers⁵. Although both hiring models feature a rising trend as of 2010, the number of auxiliary positions increased more significantly, displaying a positive variation of 12.1% in the past year. The share of positions filled by interns, outsourced workforce, lay judges and hearing officers rose from 31% in 2012 to 33% of the total number of employees in 2012. Additionally, civil servants that work in the judicial area, that is, those that perform activities within the core field of the court, represent 79% of the total number of employees (excluding the auxiliary workforce).

A broader assessment indicated an average number of 8 judges and 205 employees per every 100,000 inhabitants.

Table 3 – Number of Judges and Employees serving the Judicial Branch

Civil Servants and Judges	2009	2010	2011	2012	2012x13 Var.	4-year period var.
Total Number of Judges	16,397	16,413	16,138	16,429	1.8%	0.2%
Number of Judges per every 100,000 inhabitants	8.6	8.5	8.3	8.2	-1.8%	-5.0%
Total Number of Employees	325,562	366,092	397,654	412,501	3.7%	26.7%
Number of Employees per every 100,000 inhabitants	171	190	205	205	0.0%	20.2%
Civil servants, servants requested from other government agencies or entities and employees without formal affiliation to public service ¹	231,329	263,889	271,288	276,636	2.0%	19.6%
Auxiliary workforce ²	94,233	102,201	125,645	135,700	8.0%	44.0%
% of auxiliary workforce	28.9%	27.9%	31.6%	32.9%	1.3 p.p.	4 p.p.
Civil servants that work in the judicial area ³	187,315	205,615	210,952	217,684	3.2%	16.2%
% of civil servants that work in the judicial area	81.0%	77.9%	77.8%	78.7%	0.9 p.p.	-2.3 p.p.

Source: Courts in Figures 2013

[1] Excluded civil servants assigned to other government agencies or entities.

[2] The auxiliary workforce includes outsourced staff, interns, lay judges and hearing officers.

[3] The numbers of the auxiliary workforce are included in the assessment of servants that work in the judicial area.

[4] p.p.: percentage points. When handling indexes, variations are preferably analyzed in absolute terms, in percentage points.

[5] STJ, STM, TSE, the Electoral Court System and the State Military Court System were included in the report as of 2011 onwards.

⁴ Such increase is also influenced by the inclusion of new courts in the report as of 2011 onwards.

⁵ Only State Courts have lay judges and hearing officers.

The State Courts feature the highest number of cases and the largest expenditure amounts. Their staff numbers are also the largest ones, accounting for 70% of judges and 66% of employees. Labor Courts come next, with 21% of judges and 13% of employees, followed by the Federal Courts, with 9% and 11% of the workforce each one.

The Superior Courts made the most significant use of the auxiliary workforce (interns and outsourced staff) to form their staff in 2013, and 45% of their personnel were hired under this model, exception made to the STM, which registered only 33%. The share of outsourced staff and interns was also low in State Military and Labor Courts (22% and 25%, respectively).

Table 4 – Judges and Employees serving the Judicial Branch per Court System

Court System	Judges	Employees			
		Total	Civil servants, servants requested from other government agencies or entities and employees without formal affiliation to public service	Auxiliary Workforce	Share of the Auxiliary Workforce
State Courts	11,361	270,311	180,024	90,287	33%
Federal Courts	1,549	45,772	27,758	18,014	39%
Labor Courts	3,371	53,988	40,619	13,369	25%
Electoral Courts	3,235	29,881	21,103	8,613	29%
State Military Courts	39	564	439	125	22%
Superior Courts	77	11,324	6,259	5,065	45%
Military Audits	32	661	434	227	34%
Judicial Branch Total	16,429	412,501	276,636	135,700	67%

Source: Courts in Figures 2013

4. General Litigation Data

There were 66.8 million pending lawsuits in early 2013, and other 28.2 million suits were filed during that year, totaling 95.1 million cases pending to be reviewed by the Judicial Branch, an increase of 3.3% in relation to the previous year and 12.5% in relation to the four-year period. In relative terms, the filing of new lawsuits accounted for the most significant increase that year (1.2%), whereas remanded/dismissed cases featured an increase of 0.1% and the number of judgments, 3.5%.

Collected data indicates a significant increase in the number of new lawsuits, which rose 17.9% during the four-year period. The major bottleneck of the Judicial Branch, however, lies in the dismissal of pending lawsuits. Although the courts have entered judgments and remanded/dismissed almost as many cases as the filing of new ones, the amount of pending lawsuits was not reduced, instead, it has been gradually increasing overtime.

Table 5 – Case flow in 2010 - 2013

Case flow	2010	2011	2012	2013	2012x13 Var.	4-year period var.
New Lawsuits	23,990,096	26,058,162	27,943,699	28,286,324	1.2%	17.9%
Pending Lawsuits ¹	60,612,622	61,758,173	64,143,001	66,853,442	4.2%	10.3%
Remanded/Dismissed Cases	24,122,381	25,786,416	27,634,098	27,664,080	0.1%	14.7%
Judgments and Rulings	23,134,226	23,641,008	24,826,484	25,703,030	3.5%	11.1%
Cases being processed ²	84,602,718	87,816,335	92,086,700	95,139,766	3.3%	12.5%

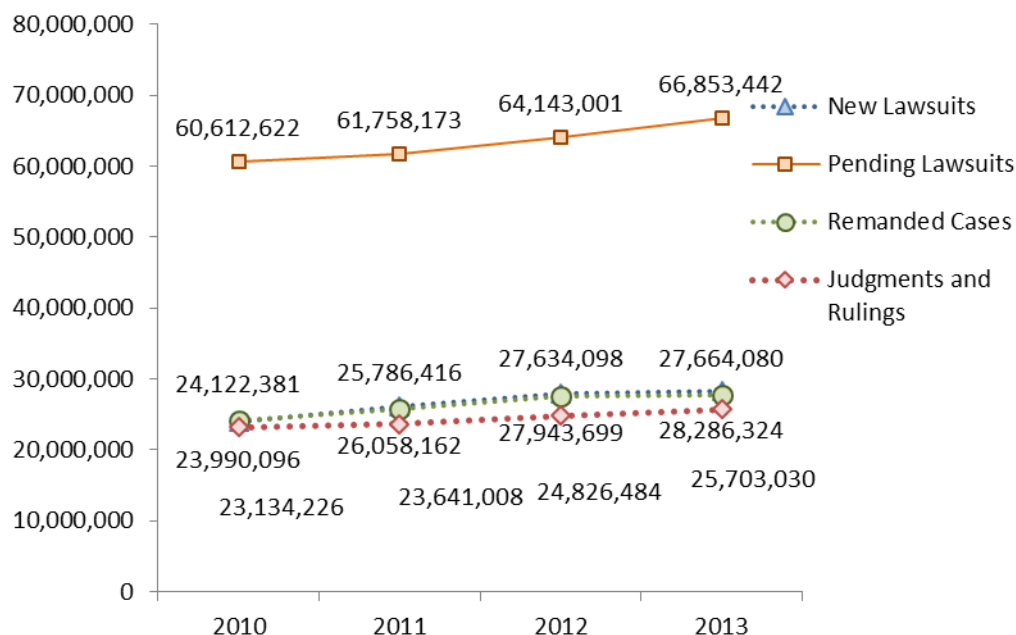
Source: Courts in Figures 2013

[1] Pending lawsuits in the beginning of each fiscal year

[2] The total number of cases being processed is calculated by the sum of new and pending lawsuits.

[3] STJ, STM, TSE, the Electoral Court System and the State Military Court System were included in the report as of 2011 onwards.

Graph 2 – Case flow in 2010 – 2013



The State Courts feature the largest litigation volume, accounting for 72% of the filing of new lawsuits. This Court System encompasses a relative lack of proportionality between resources and litigation volume, as it is responsible for 55% of the expenditures of the Judicial Branch and 66% of the total workforce, but in charge of 78% of the cases being processed. Although the Labor Court ranks 2nd in the number of new lawsuits (4 million), with regard to the number of cases being processed, the Federal Court accounts for a larger share (11.4 million), because of the big number of pending cases that represent 71% of all cases being processed before this Court (Table 6).

Tabela 6 – Case flow by Court System in 2013

Court System	New Lawsuits	Pending Lawsuits	Remanded/Dismissed Cases	Judgments and Rulings	Cases being processed
State Courts	20,282,181	53,952,374	18,926,746	17,905,119	74,234,555
Federal Courts	3,353,742	8,083,236	3,771,781	2,911,256	11,436,978
Labor Courts	3,954,800	3,911,286	4,037,454	3,978,043	7,866,086
Electoral Courts	143,957	365,257	423,033	377,137	509,214
State Military Courts	5,629	5,178	6,856	6,943	10,807
Superior Courts	544,270	534,237	496,486	522,698	1,078,507
Military Audits	1,745	1,874	1,724	1,834	3,619
Judicial Branch Total	28,286,324	66,853,442	27,664,080	25,703,030	95,139,766

Source: Courts in Figures 2013

[1] Pending lawsuits in the beginning of each fiscal year

[2] The total of cases being processed is calculated by the sum of new and pending lawsuits.

[3] STJ, STM, TSE, the Electoral Court System and the State Military Court System were included in the report as of 2011 onwards.

The significant increase in the number of rendered judgments and remanded/dismissed cases during the four-year period (11.1% and 14.7%, respectively) was followed by an increase in the index of judgment productivity per judge (around 10.9%) but there was a small decrease in the number of cases remanded/dismissed by civil servants that work in the judicial area (-1.3%). However, a comparative analysis of the number of cases remanded/dismissed by judges registered an increase of 14%. The demand for the services rendered by the Judicial Branch is a factor of concern as it grows more significantly (17.9%) than the termination of cases, both in number of remanded/dismissed cases (14.7%) and in number of rendered judgments (11.1%). As a result, in addition to regular increases in the number of pending cases, there was a drop of 2.8 percentage points in the ratio of cases remanded/dismissed by each new lawsuit that is filed, which indicated that the courts were not even capable of reducing the number of lawsuits that were filed during the assessed period. After a few oscillations, the backlog rate reached 70.9% in 2013, a worse performance to the one registered in 2012.

Table 7 – Litigation Indicators

Indicators	2010	2011	2012	2013	2012x13 Var.	4-year period var.
Backlog Rate ¹	71.5%	70.8%	70.0%	70.9%	0.9 p.p.	-0.6 p.p.
Remanded/Dismissed Cases per New Lawsuit ²	100.6%	99.0%	98.9%	97.8%	-1.1 p.p.	-2.8 p.p.
Number of Judgments Rendered per Judge ²	1,411	1,440	1,538	1,564	1.7%	10.9%
Number of Cases Remanded/Dismissed per Judge ⁴	1,471	1,571	1,712	1,684	-1.7%	14.5%
Number of Cases Remanded/Dismissed per Civil Servant ⁵	129	125	131	127	-3.0%	-1.3%

Source: Courts in Figures 2013

p.p.: percentage points. When handling indexes, variations are preferably analyzed in absolute terms, in percentage points.

[1] Measures the percentage of cases being processed that were not remanded/dismissed during the year
Backlog Rate = $1 - \text{Total of Remanded/Dismissed Cases} / (\text{New Lawsuit} + \text{Pending Lawsuit})$.

[2] Measures the case flow index, in case it is not possible to reduce the number of cases being processed in comparison to the filing of new lawsuits.

Remanded/Dismissed Cases per New Lawsuit = $\text{Total of Remanded or Dismissed Cases} / \text{Total of New Lawsuits}$.

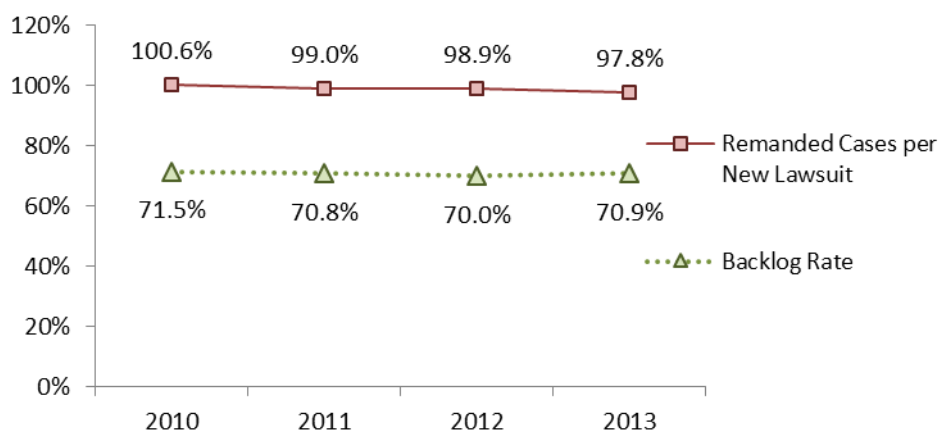
[3] Judge Productivity Index: $(\text{Judgments} + \text{Rulings}) / \text{Judge}$.

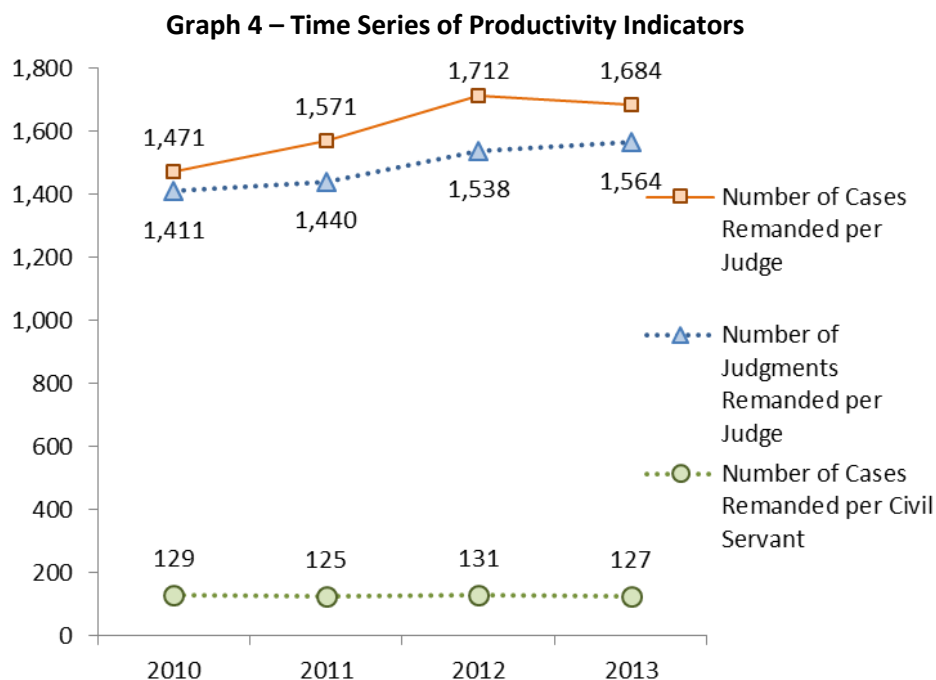
[4] Judge Productivity Index: $\text{Total of Remanded or Dismissed Cases} / \text{Judges}$.

[5] Employees Productivity Index: $\text{Total of Remanded or Dismissed Cases} / \text{Civil Servants working in the judicial area}$.

[6] STJ, STM, TSE, the Electoral Court System and the State Military Court System were included in the report as of 2011 onwards.

Graph 3 – Time Series of Performance Indicators





5. Impact of Tax Foreclosure Proceedings

Tax foreclosure accounts for 33% of all cases being processed in the Judicial Branch; 41% of the pending cases, but only 12% of new cases. Thus, the major bottleneck with regard to tax foreclosure is the termination of existing cases (pending cases) which, just as other types of cases, features consistent growth rates year after year. Despite the efforts to decrease the number of remanded/dismissed cases in 4.3%, the number of pending cases keeps growing, as the number of remanded/dismissed cases, with respect to tax foreclosure proceedings, accounts for only 83.9% of the new cases. The backlog rate reaches 90% in tax foreclosure proceedings, which means that only 10 cases out of 100 are annually remanded or dismissed. With regard to judgments, the prospects are not promising either, and only 8% of the cases being processed were judged in 2013.

Table 8 – Case flow in Tax Foreclosure Proceedings

Tax Foreclosure	2010	2011	2012	2013	2012x13 Var.	4-year period var.
New Lawsuits	3,137,112	3,793,200	3,690,967	3,516,004	-4.7%	12.1%
Pending Lawsuits ¹	23,959,012	24,535,229	25,617,145	27,675,013	8.0%	15.5%
Remanded/Dismissed Cases	2,334,870	2,940,885	3,082,745	2,950,538	-4.3%	26.4%
Judgments and Rulings	2,472,339	2,283,741	2,249,372	2,357,578	4.8%	-4.6%
Cases being processed ²	27,096,124	28,328,429	29,308,112	31,191,017	6.4%	15.1%

Source: Courts in Figures 2013

[1] Pending lawsuits in the beginning of each fiscal year

[2] The total of cases being processed is calculated by the sum of new and pending lawsuits.

[3] The Electoral Court System was included in the report as of 2011 onwards.

Table 9 – Percentage Share of Tax Foreclosure Proceedings

Case Flow	Percentage share of Tax Foreclosure Proceedings in relation to the total of cases in the Judicial Branch			
	2010	2011	2012	2013
New Lawsuits	13%	15%	13%	12%
Pending Lawsuits ¹	40%	40%	40%	41%
Remanded/Dismissed Cases	10%	11%	11%	11%
Judgments and Rulings	11%	10%	9%	9%
Cases being processed ²	32%	32%	32%	33%

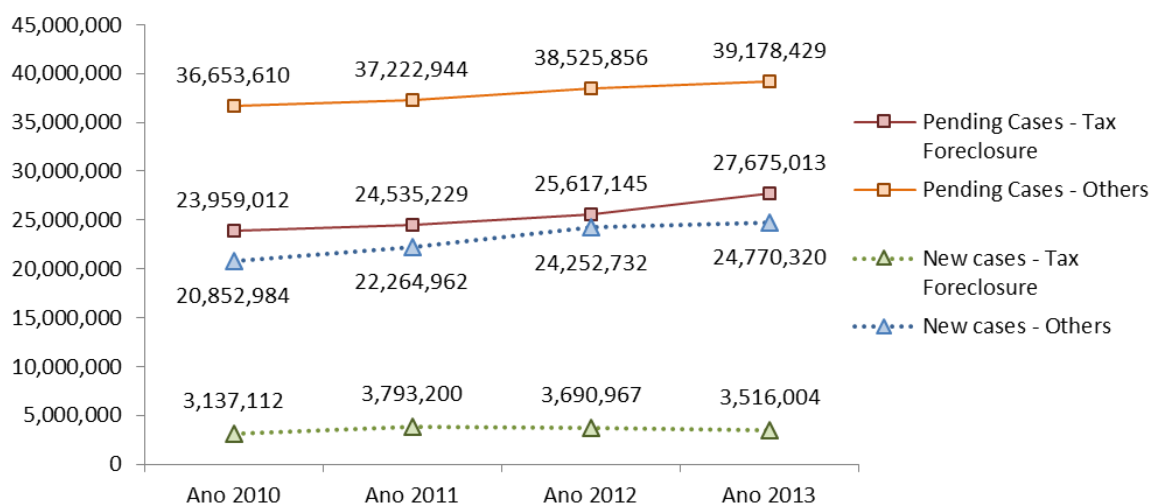
Source: Courts in Figures 2013

[1] Pending lawsuits in the beginning of each fiscal year

[2] The total of cases being processed is calculated by the sum of new and pending lawsuits.

[3] The Electoral Court System was included in the report as of 2011 onwards.

Graph 5 – Time Series of Tax Foreclosure Proceedings in Relation to Other Cases



It is worth noting that out of the 31.2 million tax foreclosure proceedings being processed, 87.8% (27.4 million) run before the State Courts; 11.9% (3.7 million), before the Federal Courts; and only 0.3% before the Labor Courts (94 thousand). The number of pending cases grew both before the State Courts and the Federal Courts, rising by 9% and 4.9%, respectively.

Table 10 – Case flow of Tax Foreclosure Proceedings per Court System

Court System	New Lawsuits	Pending Lawsuits ¹	Remanded / Dismissed Cases	Judgments and Rulings	Cases being processed
State Courts	3,153,007	24,235,071	2,603,053	2,118,907	27,388,078
Federal Courts	354,895	3,350,788	332,745	226,570	3,705,683
Labor Courts	7,447	86,656	14,095	11,814	94,103
Electoral Courts	655	2,498	645	287	3,153
Judicial Branch Total	3,516,004	27,675,013	2,950,538	2,357,578	31,191,017

Source: Courts in Figures 2013

[1] Pending lawsuits in the beginning of each fiscal year

[2] The total of cases being processed is calculated by the sum of new and pending lawsuits.

To illustrate the above-depicted scenario, if all tax foreclosure proceedings were withdrawn from the Judicial Branch, the backlog rate, which reached 70.9% in 2013, would fall 9.5 percentage points to 61.4%. The index of remanded/dismissed cases per new case would also feature significant improvements, reaching almost 100%, which is the minimum desirable level in order to avoid judicial backlog. The number of cases being processed, which amounted to 95.1 million in 2013, would be reduced to 63.9 million (Table 11).

Provided the same context, the backlog rate would fall from 74.5% to 65.2% in the State Courts (a reduction of 9.3 percentage points), noting that the Federal Courts would experience an even more significant drop, 11.5 percentage points (falling from 67% to 55.5%). The number of cases being processed would be reduced to 36.9% in the State Courts and to 32.4% in the Federal Courts.

Table 11 – Impact of Tax Foreclosure Proceedings on Performance Indicators

Performance Indicators		2010	2011	2012	2013
Tax Foreclosure	Backlog Rate	91.4%	89.6%	89.5%	90.5%
	Share of Remanded/Dismissed cases per new case	74.4%	77.7%	83.5%	83.9%
Other Cases	Backlog Rate	62.1%	61.6%	60.9%	61.4%
	Share of Remanded/Dismissed cases per new case	104.5%	102.6%	101.2%	99.8%
Total	Backlog Rate	71.5%	70.8%	70.0%	70.9%
	Share of Remanded/Dismissed cases per new case	100.6%	99.0%	98.9%	97.8%

Source: Courts in Figures 2013

6. Compared Court Productivity Index (IPC- Jus)

The Compared Court Productivity Index (IPC- Jus) was established based on the Data Envelopment Analysis (DEA) methodology. The DEA method is a multivariate analysis technique, that is, a technique targeted at cases whose results need to be summarized based on two or more variables or indicators. The method is aimed at measuring the output in

relation to the available resources in each court (input). This is an efficiency evaluation method that compares the results of each court in relation to their respective productivity. Thus, it is possible to release data on the improvements to be implemented by each court in order to reach the production frontier, considering their available resources and establishing an evaluation indicator for each unit⁶.

It is worth noting that the model brings an index of relative efficiency as a result, which means that it identifies the courts that have reached the maximum production capacity in relation to other courts, given the available resources. It does not mean that courts that operate at 100% efficiency have already reached their maximum efficiency rates. Instead, it indicates that these courts stood out positively in relation to similar institutions.

The model is applied per court system, or, more specifically, in the State Courts and the Labor Courts. In 2013, with the opening data of the “judicial district” informed by the Federal Courts, was possible to calculate the index in the Federal Courts. The method is not applied to the State Military Courts because of the low number of courts that integrate these systems, which prevents the implementation of an appropriate statistical analysis. The performance methodology may not be properly applied to other court systems because of their specified jurisdiction features.

The productivity index was calculated based on these considerations and according to the number of cases the court managed to remand or dismiss in one year in relation to its caseload and available financial and human resources. The following variables were used in the modeling process:

- Inputs: court expenditures (except expenses with retired staff), number of civil servants, servants requested from other government agencies or entities and employees without formal affiliation to public service, number of judges and total of cases being processed .
- Output: total of remanded/dismissed cases.

To ensure a better understanding of this methodology, frontier graphs are inserted below, featuring the assessment of only two indicators. The following graphs were jointly prepared with quadrant graphs, which divide data into four groups, featuring dotted lines that represent the average result for each indicator. These graphs provide for the identification of the courts that reached an optimum productivity level (frontier line), which are displayed in the most favorable quadrant, featuring good results in both indicators. They also provide for the identification of the underperformers, which delivered the worst results in both indicators, based on the application of the selected methodology.

⁶ Further details on the DEA analysis technique are listed in the 2013 edition of the Courts in Figures report, in the methodology section.

a. Results of the Compared Productivity Index – IPC Jus

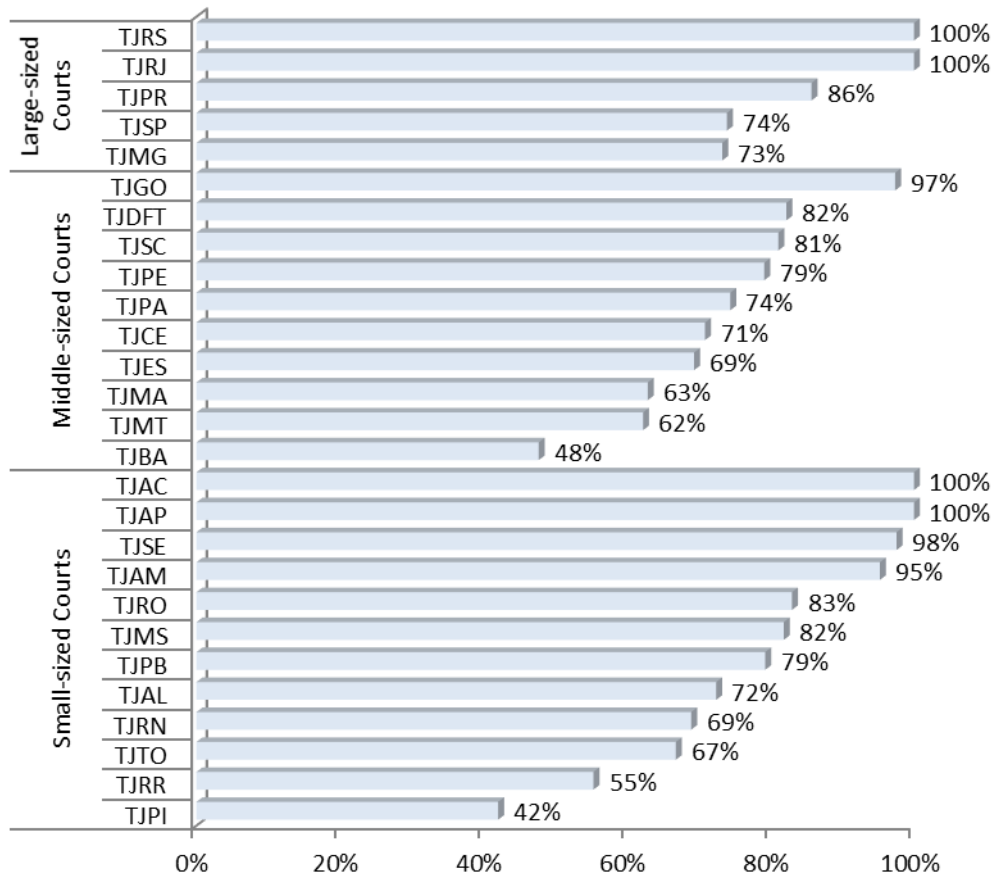
The results of the IPC Jus, which go detailed next, were obtained through the application of the DEA method, a technique that provides for the calculation of efficiency based on the simultaneous assessment of all variables, i.e. using as inputs the total of cases being processed, the number of judges, the number of employees (except outsourced staff and interns) and the total expenditure of the court (except retired staff), and, as outputs, the total of remanded/dismissed cases. It is worth noting that previous graphs apply the DEA modeling to a context in which only 2 variables are used. The full Courts in Figures report brings other graphs that supplement the concluding remarks and explanations on the results achieved through the application of the aforementioned model.

The average efficiency rate of State Courts amounted to 79.2% in 2013, and Labor Courts accounted for 82.9%, according to the application of DEA techniques. There are more significant differences among courts in the State Court System, including examples like the Courts of Appeals of Piauí (TJPI) and Bahia (TJBA), which featured relative efficiency rates of only 42.1% and 47.7%, respectively; and the examples of other four state appellate courts that delivered sound results, operating at maximum efficiency. Such positive examples include: the Courts of Appeals of Rio Grande do Sul (TJRS), Rio de Janeiro (TJRJ), Acre (TJAC) and Amapá (TJAP), noting that the two first examples are large-sized courts whereas the two last ones are small-sized institutions. No middle-sized court managed to operate at 100% efficiency.

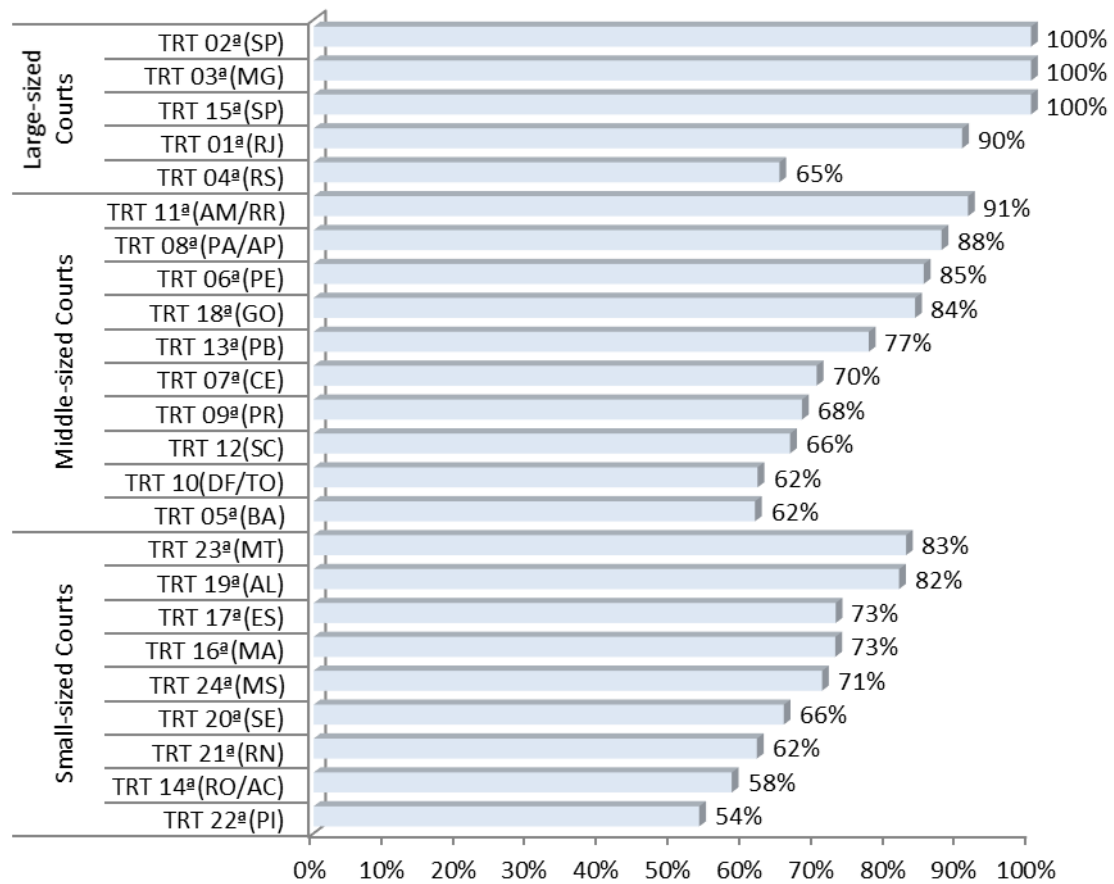
Data is more uniform in Labor Courts and that is why index range is smaller, with Regional Appellate Labor Court of the 22th Circuit (TRT 22 – PI) occupying the lowest position, featuring an efficiency rate of 53.7%. However, only three courts reached maximum efficiency, the Regional Appellate Labor Court of the 2nd Circuit (TRT 2 – SP), 3rd (TRT 3 – MG) and 15th (TRT 15 – SP), all them in the group of large-sized courts.

The efficiency rate of Federal Courts is less uniform among courts. The best rate are achieved by 5th and 3th Federal Courts whereas the 4th and 2th have the lowest rates.

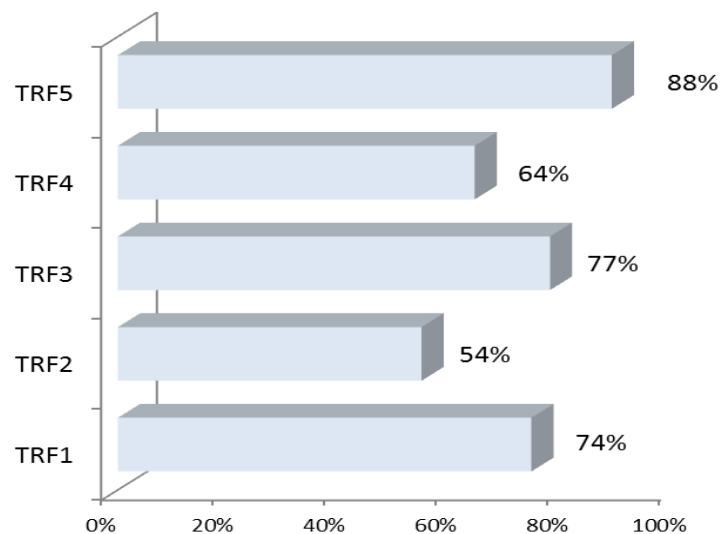
Graph 9 – Compared Productivity Index - IPC Jus – State Courts



Graph 10 – Compared Productivity Index - IPC Jus – Labor Courts



Graph 11 – Compared Productivity Index - IPC Jus – Federal Courts



7. Concluding Remarks

The figures presented in this summary report provide for the self-assessment of the services delivered by the Judicial Branch. The major roadblock points to the difficulties to dismiss existing cases, as the efforts to try and remand or dismiss such cases are not sufficient to meet the growing demand. In a more specific approach, upon the assessment of the growing number of new lawsuits and the performance indicators of judges and servants, it was possible to notice that the courts cannot ensure the smooth flow of new cases in relation to the cases which are already being processed, as the number of incoming cases grow more significantly than the number of entered judgments and remanded/dismissed cases.

In this context, it is worth pointing to significant role played by tax foreclosure proceedings, which account for 33% of the number of cases in the Judiciary. The major difficulty consists in reducing the number of cases being processed, as despite the efforts made to increase the number of remanded/dismissed cases, the number of cases being processed continues to grow. The backlog rate of tax foreclosure proceedings reaches 91%, i.e. of every 100 cases being processed; only 9 are annually remanded or dismissed.

With regard to the application of the Compared Productivity Index – IPC Jus, it is relevant to note that the use of the DEA method weighs caseload, workforce and expenditures in relation to the delivered productivity results. Such weighting provides for the quantitative identification of courts that have conditions to improve their performance in relation to other courts that delivered increased productivity results using similar inputs. It is then possible to measure the performance context of the courts that succeed in remanding or dismissing a bigger number of cases and in keeping their respective backlog rates at lower levels. The example of model-courts – those that reach increased efficiency levels – may contribute to productivity improvements in other courts that did not yet succeed in achieving similar results.

In parallel with the initiatives to address the problems presented by tax foreclosure proceedings, combined with projects to modernize judicial management, the compared court productivity assessment may be a viable alternative to enhance the global performance of the Judicial Branch in a context of ever growing litigation.

Finally, it is worth noting that the reported data represents an effort to better understand the context of Brazil's Judicial Branch. Efforts towards a more accurate understanding of the reality are still needed in order to have all information comprised in the Courts in Figures report supporting the adoption of judicial policies aimed at the continuous enhancement of judicial services in Brazil.

