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# **1 INTRODUCTION**

This 19th edition of the Justice in Numbers 2022 Report consists of a publication that, continuing the empirical rigor of the previous editions, inaugurates a new stage in the methodological construction of the statistical data and indicators of the national Judiciary, at the same time that it makes public the most up-to-date data on Brazilian judicial activity.

This new framework of methodological change in the consolidation of statistical and budgetary information stems from a normative and strategic judicial arrangement that sets as a goal the construction of an institutional culture based on data (data-driven administration), which is one of the crucial attributes for measuring the degree of institutional maturity of public and private institutions in the 21st century based on strategic governance indicators. The report materializes the competence of building scientific discovery through research to identify factors that influence the jurisdictional activity attributed to the Judiciary by force of the Constitution of the Federative Republic of Brazil of 1988. It created, through Constitutional Amendment 45 of 2004, the National Council of Justice (CNJ) and gave it the competence to exercise control over the administrative and financial performance of the Judiciary and over the fulfillment of judges' duties.

Law No. 11,364 of 2006, when it provided about the support activities to the National Council of Justice, gave greater clarity to this normative intent of building evidence-based discovery by creating the Judicial Research Department? (DPJ) within the structure of the CNJ, with the objective of: 1) develop research aimed at the discovery of the Brazilian judicial function; 2) carry out the analysis and diagnosis of the structural and conjunctural problems of the various segments of the Judiciary; and 3) provide technical subsidies for the formulation of judicial policies.

As of this 19th edition of the Justice in Numbers report, the publication now relies on the National Database of the Judiciary (DataJud) as an original source for obtaining empirical data for the construction of its main indicators. Unlike past editions, in which data collection was performed using a form sent to each of the Brazilian courts, DataJud's infrastructure is a milestone of efficiency and prioritization of active transparency, making it unnecessary for each of the managers of the Brazilian courts to fill out specific, manual forms, since it is based on the automated sending and receiving of information. DataJud, established by Resolution CNJ No. 331/2020 as the primary source of data for the Judiciary Statistics System (SIESPJ), is responsible for centralized storage of procedural data and metadata relating to all physical or electronic, public or secret proceedings throughout the Brazilian Judiciary, currently counting with metadata from 280 million processes from all segments of Justice.

The use of DataJud for the construction of this report was made possible by the efforts of the technical teams from each of the Brazilian courts, which committed themselves, in a national effort to prioritize this culture of data, to periodically send corrected information based on a thorough systematic rigor capable of not deviating from the standards established in past reports, allowing the continuity of the historical series of indicators. One of the most relevant factors for this success was the compliance with the Unified Procedural Tables of the Judiciary, which consists of the common taxonomic language set for all Brazilian judicial units so that their activities can be measured and understood from isonomic parameters. The Unified Procedural Tables, created by Resolution CNJ No. 46 of 18/12/2007, allow the standardization and taxonomic and terminological uniformity of classes, issues, movements and procedural documents, enabling comparative studies to be developed in a reliable and trustworthy way to the reality of the jurisdictional practice, benefiting the entire Justice System.

This work of reorganization and coordination among the 90 Brazilian courts that make up this tables was carried out in a participatory manner through seminars, training, work groups, meetings of the Management Committee of the Unified Procedural Tables of the Judiciary and the Technical Support Committee to support the systematization and standardization of the DataJud parameters, with debates based on the Data Cleansing Panel, an interactive business intelligence tool that provides information on error and productivity indicators for DataJud, in order to support the courts in the sanitation of the national database. Data cleansing (also called data cleaning), although a discrete infrastructure and baseline procedure, is crucial for the consistency and rigor of the data presented, and is one of the most important and laborious phases within the data science flow, sometimes demanding the most work from the data team.

All this effort allowed the publication of this report to make use of data from DataJud. The national statistical data from the Judiciary also became part of the Judiciary Statistics Panel, which includes, per court and per judging body, information on the procedural flow, productivity, indicators, procedural duration times, in addition to having the judicial structure associated with the main litigiousness indexes on a georeferenced map of Brazil.

Besides the unspeakable future benefits that will derive from this effort to build a solid data infrastructure in the present, it is worth pointing out the byproducts that will result from this DataJud sanitation and information consolidation. We highlight the Major Litigants Panel, launched on August 9, 2022, with data on the main litigants in courts of State, Federal and Labor Courts, the Sirenejud platform, a panel that gathers information related to lawsuits in the subject of environmental protection throughout the country, the Panel on Monitoring of Emergency Protective Measures of the Maria da Penha Law, the Panel on Health Judicialization, the Panel on Civil Execution, the National Register of Class Actions (Cacol) and the National System of Control of Interception of Communications (SNCI). All of these products have benefi-

ted from this improved and statistically robust data infrastructure, and are available for public consultation on the DPJ's website at http:// www.cnj.jus.br/pesquisas-judiciarias.

The production of the Justice in Numbers report based on DataJud consolidates the work of sanitation and improvement of the quality of primary procedural records, which was initiated with the courts in the scope of the Justice 4.0 Program, conducted with the support of the United Nations Development Program (UNDP).

This document also demonstrates the results of other initiatives of the Justice 4.0 Program, which have strengthened the right of access to justice and are the pillars of digital transformation in the Judiciary, such as: the 100% Digital Judgment; the Virtual Desk; the creation of the Digital Platform of the Judiciary (PDPJ); the Justice 4.0; and the CODEX platform, which provides inputs for the application of artificial intelligence models. It is thus a portrait of the results of the new national judicial policy, which objectively reveals, in numbers, the positive effects of the innovative and efficient management of justice.

The information available consolidates data from the 90 bodies of the Judiciary, listed in Article 92 of the Constitution of the Federative Republic of Brazil of 1988, excluding the Federal Supreme Court and the National Council of Justice, which have separate statistics. Thus, Justice in Numbers includes: the 27 State Courts of Justice (TJs); the five Federal Regional Courts (TRFs); the 24 Regional Labor Courts (TRTs); the 27 Regional Electoral Courts (TREs); the three State Military Courts (TJMs); the Superior Court of Justice (STJ); the Superior Labor Court (TST); the Superior Electoral Court (TSE), and the Superior Military Court (STM).

It remains to be clarified that, for the preparation of this report, the statistical data from the old "Justice in Numbers" system were considered for the procedural information until 2019 and the statistics from calculations and extractions made from DataJud for the years 2020 onwards. It is also worth considering that the Statistical Panel is dynamic, updated monthly and subject to changes in the data sent by the courts, while this report is static and has data generated from the database that was consolidated in the month of June 2022. Because of the above, some figures may differ from those presented in last year's edition and in the panel.

Based on these data structures, the report presents, in each of its chapters, budgetary, procedural, and administrative aspects of the Brazilian judicial activity. The first chapter, "Digital transformation and innovative performance program", presents the statistics of the main actions of the Justice 4.0 Program, focused on the performance of the Judiciary, access to justice and service to the public, and the development of tools for digital justice. In the chapter "Overview of the Judiciary", the judicial structure is highlighted from each of the degrees and segments of Justice, bringing statistical data highlighting the structure of the first degree, containing the geographic distribution of the geographical units, the classification of the courts by size as a way to allow an equitable comparison between bodies that are sometimes diverse and infographics, visual resources containing comparative budgets, measurement of the work force and indicators of average procedural time.

In the chapter "Financial and Personnel Resources", historical series of expenses and collections of the Judiciary were traced over the years, calculating their proportionality in relation to the Brazilian population benefited and specific analyses regarding digitalization and information technology resources. In the "Judicial management" chapter, important indicators have been listed to measure litigiousness, such as the historical series of new cases, cases disposed of and pending cases over the years, indicators referring to access to justice with analysis on free legal aid, and productivity indicators, such as the workload of judges and public servants, the congestion rates, and the indices for meeting demand. There is also a specific analysis of the indexes of external and internal appealability, allowing an observation of the litigiousness in the second degree and in the Higher Courts. Another highlight was the specific analysis of the execution phase, with notes on its impact on the backlog of pending cases, with a specific focus on tax executions.

Next, the chapter "Electronic case index" presents, for the first time, information on this theme consolidated in one chapter, with statistics on new cases, pending cases, and cases disposed of, and electronic processing times, which was only possible because the report was prepared by DataJud.

The chapter "Conciliation index" takes into consideration the measurement of characteristics pertinent to the policies adopted by the CNJ in this area, such as the conciliation indexes by court and by procedural stage. In the chapter referring to "Case processing times", the historical series of the average duration of cases per court, per procedural phase, and per segment of Justice were elaborated. In the "Criminal Justice" chapter, there is a thematic cutout that is justified by the peculiarities found in the historical series of new and pending criminal cases, in the historical series of executions, and in the average processing times. In the chapter "State Justice Competencies", a cutout was made to analyze, specifically, this segment of Justice with quantitative figures based on the type of competence of the judicial units, analyzing, for example, the number of settlement cases in the tax execution, criminal, family, and civil courts, among others. In the chapter "Comparative Productivity Index of Justice: CPI-Jus", there is analysis referring to an original index of the Brazilian Judiciary prepared from data envelopment analysis techniques that allows comparison between courts of the same branch of justice regardless of size. A thematic survey was also carried out in the chapter "Most recurrent demands according to classes and subjects", the "2030 Agenda within the scope of the Judiciary", and a specific section on "Environment and Human Rights" in its own chapter, given the relevance of these two themes.

The considerable density of data in each of the chapters reinforces the invitation for the reader to delve into each of the aspects of the Judiciary measured here, in an initiative of active transparency, governance, and participatory democracy. The neutral discursive language employed throughout the report represents not only a careful attention to methodological rigor on the part of the technical team of the Judicial Research Department to describe the data obtained in an unbiased manner. It also consolidates an invitation to researchers, justice operators, journalists, historians of future generations, and citizens of Brazil and the international community to fill in these spaces of speech of judicial history from their own impressions, studies, and scientific constructions, taking into consideration the evidence-based information presented here.

# 2 DIGITAL TRANSFORMATION AND INNOVATIVE PERFORMANCE PROGRAM

The year 2021 was the moment of consolidation of the innovation flows that permeated the work of the Judiciary in the post-pandemic period, with the use of several programs and initiatives that accelerated, at an unprecedented pace, the modernization of technology and work methods. The impact of these digital routines on the functioning of the Judiciary was also measured by means of various data panels and procedural instruments for compliance with CNJ resolutions.

This change of paradigm has also made use of the already consolidated digitalization of the procedural archive of the Brazilian Justice, migrating from paper to the electronic management of judicial documents and other preexisting normative acts. In 2003, the first procedural processing system was instituted. In 2006, the first law on the computerization of judicial proceedings was issued, Law 11.419, of December 19, 2006, which allowed the use of electronic means in the processing of judicial proceedings, communication of acts, and transmission of procedural documents. In 2009, the Electronic Judicial Process (Pje) was created by Technical Cooperation Agreement No. 073/2009, signed between the CNJ, the Federal Justice Council and the five Federal Regional Courts. In the following years, there was a significant increase in the rate of digitization of the procedural collections. These historical milestones demonstrate the constant effort of the Judiciary to modernize and employ efficiency in the processing of cases, in compliance with the Amendment to the Constitution No. 45, of December 30, 2004, which added subsection LXXXVIII to article 5 of the Federal Constitution, ensuring the reasonable duration of the process and the means that guarantee the speed of proceedings.

The judicial process depends on the subjects of the case, who must cooperate with each other to obtain a fair and effective decision on the merits within a reasonable time. With the health restrictions that occurred in 2020, the usual demands of the Judiciary that require the actions of citizens and parties were impacted, but efficient digital solutions were consolidated as early as 2021.

In this sense, in addition to the Judiciary having developed reactive measures specifically in response to the right of access to Justice in the pandemic context, in this case the 100% Digital Judgment and the Virtual Desk, it was also able to plan and structure prospectively through a strategic action of digital initiatives linked in the Justice 4.0.

The Brazilian Judiciary demonstrates that the Justice 4. O Program was one of the pillars to contribute to this growing pace of computerization and modernization, with notable initiatives, such as the Digital Platform of the Judiciary (PDPJ-Br), which enables the dissemination of the use of a marketplace of digital legal services and benefits the entire ecosystem of electronic procedural management systems, observing regional and technical peculiarities; The Virtual Desk, which promotes access to Justice in the digital field and regulates the use of instruments such as videoconferencing for serving parties; and the 100% Digital Judgment, which allows the practice of hearing and hearing acts also by this means.

In short, the Brazilian Judiciary has offered several innovative and technological measures with the aim of minimizing the impacts in the covid-19 pandemic and post-pandemic period, providing unprecedented and modern measures for cooperation between procedural subjects, which will be detailed below. One should think of these innovative processes as an investment whose benefits will also be seen in the long term. In the years to come, it will be possible to identify several judicial policies, good work practices, and management flows that will be based on the technical-legal structure created on the basis of this fruitful work done in the present for the modernization and consequent increase in efficiency of the Judiciary.

# 2.1 JUSTICE 4.0 PROGRAM

The Justice 4.0 Program: innovation and effectiveness in the realization of Justice for all aims to promote access to Justice, through actions and projects developed for the collaborative use of products that employ new technologies and artificial intelligence. It is a catalyst of the digital transformation that aims to transform justice into a service (following the concept of justice as a service), bringing it even closer to citizens' needs and expanding access to justice. Technological innovations have the purpose of speeding up the provision of justice and reducing the budgetary costs of this public service. This initiative promoted a list of judicial services to foster digital transformation, measures that were adopted by the Judiciary at an accelerated pace during the pandemic of the new coronavirus.

The initiative's panel can be accessed at: https://app.powerbi.com/view?r=eyJrIjoiOGU0NDc-1NDMtYWZiYy00YTQzLWE5MzQtZWM1NjRkMDdmZGI1IiwidCI6ImFkOTE5MGU2LWM0NW-QtNDYwMC1iYzVjLWVjYTU1NGNjZjQ5NyIsImMiOjJ9.

Digital Justice provides the dialogue between the real and the digital for the increase of governance, transparency and efficiency of the Judiciary, with effective approximation to the citizen and reduction of expenses, and encompasses the following actions and initiatives:

▶ Implementation of the 100% Digital Judgment;

- ▶ Implementation of the Virtual Desk;
- Development of the Digital Platform of the Judiciary (PDPJ-Br), with the possibility of increasing the degree of automation of the electronic judicial process and the use of artificial intelligence (AI);
- Assisting courts in the process of improving primary procedural records, consolidation, implementation, mentoring, training, sanitization and publicization of DataJud, with a view to contributing to compliance with CNJ Resolution No. 331/2020;
- Collaboration for the implementation of the Codex system, which has two main functions: feed DataJud in an automated way and transform decisions and petitions into pure text, to be used as input for artificial intelligence model.

The use of these innovative measures occurred during the exceptional period of the pandemic, emphasizing the agility and efficiency with which the Judiciary reacted to the operating restrictions and sanitary protocols to guarantee effective jurisdiction and access to justice for all citizens.

# 2.2 100% DIGITAL JUDGMENT AND JUSTICE 4.0 CORE

The 100% Digital Judgment is the possibility for the citizen to use technology to have access to Justice without needing to physically appear in the courts, since all the procedural acts will be exclusively performed remotely. This also applies to hearings and trial sessions, which can take place by videoconference. This initiative was instituted through Resolution No. 345/2020.

Through Resolution No. 385/2021, the Justice 4.0 Centers were also created, which allow the remote operation of court services aimed at the solution of specific disputes, without requiring the person to appear in court for a hearing. This new model of attendance by the Judiciary promises to qualify the demands in first degree trial courts, which are currently overloaded, a problem that mainly affects units in the interior judicial districts local jurisdictions, where specialized trial courts and the academic and functional specialization of the magistrate responsible for judicial proceedings involving different issues, such as family, reorganization, bankruptcy, crime, health, and companies, are rare.

In addition, this measure makes it possible to process more cases electronically, increase the speed and efficiency of the judicial provision through the use of technology, and allows the services provided in person by other organs of the court, such as those of adequate conflict

resolution, fulfillment of warrants, calculation centers, tutoring, and others to be converted to the electronic mode.

The 100% Digital Judgment is optional, but accompanies the agility of the contemporary world, benefiting lawyers and all those who consider the reasonable duration of proceedings as a fundamental right of the citizen.

In this way, citizens and subjects of the process no longer have to appear in person at forums and judicial units to initiate or handle claims in the judicial sphere. All procedural acts can be performed remotely, including hearings and trial sessions.

The objective of the new model is to guarantee to the people who need the Justice the fundamental right of reasonable duration of the processes, with more celerity, security, transparency, productivity, and accessibility, as well as to promote the reduction of public expenses. The choice for this procedure will be exercised by the plaintiff at the time of the distribution of the action, and the defendant may oppose this choice until the time of the answer.

In this context, a mapping panel of the implementation of the 100% Judge and Justice 4.0 Centers was also developed, available at: https://www.cnj.jus.br/tecnologia-da-informacao-e--comunicacao/justica-4-0/projeto-juizo-100-digital/mapa-de-implantacao/.

Figure 1 shows the dashboard interface with data updated up to August 27, 2022, totaling 13,070 out of a total of 19,264 first degree judicial offices that have joined the 100% Digital Judgment, which represents about 67.7% adherence. In the second degree, there are 1,751 registries with 100% Digital Judgment, out of a total of 4,404 (39.8%).

The Courts with the largest absolute number of judicial units with 100% Digital Judgment are TJRS (1,045), TJMG (892), TJBA (706), TRT15 (638) and TJPE (619).

In relation to the percentage of judicial units of each court, 44 courts already have 100% adherence to the 100% Digital Judgment, namely: TJAL, TJAM, TJBA, TJGO, TJPA, TJPB, TJPI, TJRO, TJRR, TRE-AC, TRE-AL, TRE-AP, TRE-BA, TRE-CE, TRE-GO, TRE-MA, TRE-MG, TRE-MS, TRE-PA, TRE-PE, TRE-PI, TRE-RN, TRE-RS, TRE-SE, TRE-TO, TJMRS, TRF4, TRT1, TRT2, TRT3, TRT5, TRT6, TRT9, TRT11, TRT12, TRT13, TRT14, TRT15, TRT16, TRT17, TRT19, TRT20, TRT22, TRT23, which represents great adhesion by the Labor Justice segment (Figure 2).

The panel also presents a heat map that contains the percentage of offices with the 100% Digital Judgment by state (Figure 3).



## Figure 1 - 100% Digital Judgment and Justice 4.0 Core Deployment Map



#### Figure 2 - Percentage of first degree judicial units with 100% Digital Judgment in September/2022









Figure 3 - Heatmap of the percentage of courts with 100% Digital Judgment in August/2022

With respect to monitoring compliance with CNJ Resolution 345/2020 (Cumprdec 0008831-66.2020.2.00.0000), the data on procedural economy and celerity, by way of illustration, from the following courts stand out:

JUDGE	QUANTITY	PERCENTAGE	PERIODICITY
1st Court of the Special Public Treasury Court of the Capital	2,2 mil judgements	38%	Last 12 months
2nd Court of the Special Public Treasury Court of the Capital	1,1 mil judgements	27%	Last 12 months
2nd Civil and Business Court of Parauapebas	509 judgements	40%	since July 2021
Single Court of Ourém	369 judgements	55%	since June 2022

• Court of Justice of the State of Pará:

It also reported that the average time for trial of the cases was around 2 years and 4 months, while the cases judged in the "100% Digital Judgment", on average, take 104 days after their initiation, that is, approximately 3.5 months.

• Court of Justice of the State of Paraíba:

He informed that on August 18, 2021 the "100% Digital Judgment" was implemented, and 54.8% of the court cases (225,406) are processed in this way.

▶ Regional Labor Court of the 3rd Region:

Quantity of Processes that have been in progress/traveled in the 100% Digital Judgment		
1st degree	2nd degree (originary actions)	
In process 34,178	In process 560	
Filed 14,132	Filled 0	

▶ Regional Labor Court of the 23rd Region:

There has been a more than 5-fold increase in the number of active cases in progress in the "100% Digital Judgment" by the year 2022. Here is the data:

YEAR	QUANTITY
2020	244
2021	3017
2022	6362

Total "100% Digital Judgment" processes, in any phase or situation:

Total "100% Digital Judgment" processes, in any phase and with "active" status:

YEAR	QUANTITY
2020	133
2021	1996
2022	5285

As for Justice 4.0 Core, according to data from the Deployment Panel, there are 73 units in operation. There are 19 (26%) of the type of unit providing direct support to judicial activity and 54 (74%) first degree judicial units.

In the Justice 4.0 Core, the processes are processed through the 100% Digital Judgment and the structure is totally virtual, focused on the attendance of specialized claims with competence over the whole territorial area located within the limits of the court's jurisdiction.

The direct support units are those provided for in CNJ Resolution No. 398 of June 9, 2021, which, according to Article 1 of the Resolution, may be set up by the courts to act in support of the judicial units in cases involving specialized issues due to their complexity, person or procedural stage; repetitive issues or homogeneous individual rights; issues affected by binding precedents, especially those defined in an incident of assumption of jurisdiction or repetitive claim resolution and in the trial of repetitive extraordinary and special appeals are in a situation

of non-compliance with the national targets of the Judiciary; and have a long period to hold a hearing or trial session or a long period of time to conclude a sentence or vote.

Number of Justice 4.0 Cores	Number of Courts	Courts
7 Cores	1	TJRJ
6 Cores	2	tjam, tjmt
4 Cores	1	TJGO
3 Cores	1	TJPE
2 Cores	20	TJAC,TJBA,TJDFT,TJMA,TJMG,TJPA,TJPB,TJPR,TJRO,T JRR,TJRS,TJTO,TRE-BA,TRF2,TRF3,TRF5,TRT2,TRT20 ,TRT22,TRT24
1 Core	7	TJRN,TJSC,TRE-RS,TRT9,TRT12,TRT13,TRT23

Tabela 1 - I	Number of	lustice 4 0	cores in	operation	by Διιαμst/	2022
abeia i - i	Number of	Justice 4.0	cores in	operation	by August/	ZUZZ

# 2.3 VIRTUAL DESK

The Virtual Desk project aims to make available on the website of each court a videoconferencing tool that allows immediate contact with the service sector of each judicial unit (popularly known as the desk ou counter) during public service hours. The initiative was regulated by means of Resolution CNJ No. 372/2021, in attention to the need to maintain a permanent channel of communication between the citizens and the judicial offices during public service hours, especially during the pandemic period.

This measure allows us to simulate in a virtual environment the face-to-face service provided in the courts, a successful experience initiated in the Regional Labor Court of the 14th Region, and also considers the need to reduce the indirect costs resulting from the filing of a lawsuit (transaction costs), which may occur by reducing the physical displacement of the parties and lawyers to the premises of the forum, and the changes introduced in the relationships and work processes due to the digital transformation phenomenon.

For the courts that do not have their own or contracted solution to meet this demand or for those that have limited licenses, the CNJ, according to the same resolution, made a free tool available for the immediate creation of the Virtual Desk.

In a survey updated to September 13, 2021, the evolution of the implementation of the Virtual Desk in Brazilian courts was mapped. A total of 17,841 judicial units have been surveyed to date. Most of the surveyed judicial units (66%) stated that they already have the Virtual Desk. The Justice segment with the highest adhesion to the project was State Justice, with 12,781 judicial units, followed by Labor Justice (1,986) and Electoral Justice (1,857).

The most used tool is Microsoft Teams, followed by WhatsApp and Zoom. Most of the judicial units (92%) stated that the citizen does not need to make an appointment to have access to the service, nor does it require prior registration (92%). The form of attendance by magistrates was also researched, according to Tables 3 and 4.



Figure 4 - General information about the virtual desk in September/2021

Tabela 2 - Number of first and second Degree judicial units that have a virtual desk, per judicial
segment in September 2021

Justice Segment	Total of attendances
State Justice	12.781
Labor Justice	1.986
Electoral Justice	1.857
Federal Justice	1.180
State Military Justice	37
Councils	2
Total	17.843

Table 3 - Type of tool used by the first and second degree judicial units to serve the virtual desk in
September 2021

ΤοοΙ	Total of attendances
Teams	3.313
WhatsApp	2.111
Zoom	1.640
Google Meet	1.429
Others	9.350
Total	17.843

Table 4 - Ways	magistrates	are	attended
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Form of Attendance	Total of attendances
Schedule day and time for telephone or virtual attendance	5.824
There is no Virtual Desk	5.758
Not informed	5.011
No answer	608
Immediately answered by the Virtual Desk	467
Attends in person	175
Total	17.843

# 2.4 DIGITAL PLATFORM OF THE JUDICIARY

PDPJ-Br aims to encourage collaborative development between courts, preserving public systems in production, while consolidating the policy for the management and expansion of PJe. It was created by CNJ Resolution No. 335, of September 29, 2020, which establishes the public policy for the governance and management of electronic judicial process, integrates the country's courts with the creation of PDPJ-Br, and maintains the PJe system as the priority electronic process system of the National Council of Justice.

The main objective of this regulation is to modernize the Electronic Judicial Process platform and turn it into a multi-service system that allows courts to adapt it according to their needs and that guarantees, at the same time, the unification of the procedural process in the country. It employs innovative concepts such as the mandatory adoption of microservices, cloud computing, modularization, User Experience (UX), and the use of AI.

The platform allows the offering of multi-services and can be adapted according to the specific needs and demands of the courts. Thus, it is recognized that, besides PJe, there are other pu-

blic and free systems. Thus, future platform developments will be carried out collaboratively, preventing the duplication of initiatives to meet the same demands, using technology and methodology set by the CNJ.

The operation of this model promotes two factors: court aggregation and governance. And here lies another north of the proposed standardization.

The intention is to consolidate in the Brazilian Judiciary the policy for electronic judicial process management, integrating all courts in the country, ending once and for all the conflicts over which is the best system and keeping the PJe system as the Electronic Process system sponsored by CNJ and the main driver of the new policy.

The main points stand out:

- 1) the definition that private systems should not be allowed, at a time to be defined in the future, to be hired, maintaining the tradition of non-dependence on technology, which has long been sedimented in this Council;
- 2) the recognition that the public systems, i.e. those developed internally by the courts, are all valid and not in total disagreement with the public policy of consolidation of the PDPJ-Br, with the premise that new developments will be carried out in the model of the new Platform;
- 3) defining the judicial process technology platform as a public policy;
- 4) the possibility of using a cloud even provided by a private legal entity, even as a cloud integrator (broker).

According to data updated as of August 2022, 76 out of 91 agencies have joined the Digital Platform of the Judiciary, which is equivalent to 83.5%.

# 2.5 **CODEX**

Codex is a national platform developed by the Court of Justice of Rondônia (TJRO) in partnership with CNJ that consolidates procedural databases and thus provides the textual content of documents and structured data.

It works as a data lake of procedural information, which can be consumed by the most diverse applications: the production of business intelligence dashboards and reports; the implemen-

tation of intelligent, unified surveys; automated statistical data feeds; and even the provision of data for AI modeling.

As of August 2022, 74 courts out of 91 have joined the CODEX platform, which is 81.3%. More than 71 million cases were processed, noting that this universe includes cases that have been disposed or are in progress. The data can be consulted on the monitoring panel, which can be accessed at https://metabase.ia.pje.jus.br/public/dashboard/d4c8362c-4150-4359-96c9-b-5cbf1f64f15.



#### Figure 5 - Monitoring panel of the Courts that adhered to CODEX

# 2.6 STATISTICS PANEL

The "Statistics Panel" follows CNJ Resolution No. 333, of September 21, 2020, which determines the inclusion of a field/space called "Statistics" on the main page of the electronic sites of the Judiciary's bodies, enabling easy access to consolidated information and decision-making using current and reliable data, and can be accessed at the following address: https://www.cnj.jus.br/datajud/painel-estatistica.

It gathers open data, business intelligence dashboards, and statistical reports related to the Judiciary's core business. The tool allows public consultation for any judicial unit and, through filters and segmentation, it is possible to access data, such as the number of new, pending and concluded cases by branch of justice, court, degree and body.

The number of cases that have not been processed for more than 50 days in each judicial unit.

The panel also presents comparative tables between courts and historical series and provides information on the performance indicators of the courts, such as the percentage of electronic cases, the rate of congestion and the rate of service to demand. On the Maps tab, data on processes and productivity are made available in a georeferenced manner. By means of the panel, one can identify bottlenecks in the courts with higher or lower congestion rates, with more or fewer cases concluded, and with pending cases. By displaying procedural and productivity data, the tool assists in the management of judicial units, ensuring efficiency and transparency to the Judiciary's activities.

The update is monthly, based on data available from DataJud. Collected automatically, the information becomes more consistent and more detailed. As a result, justice statistics are more reliable than those currently obtained through manual data feeding by the courts.



#### Figure 6 - Initial screen of the Judiciary Statistics Panel

# 2.7 PANEL OF MAJOR LITIGANTS

The first version of the Major Litigants Panel, presented in August 2022, has the objective of identifying the biggest litigants in the courts and subsidizing eventual judicial policies aimed at reducing litigiousness.

With data on the main litigants from six state, federal, and labor courts, the panel contributes to the improvement of judicial management and allows the comparison of the current picture of pending cases, including new cases, with information from cases from the previous year. Based on this aggregated information per party, it will be possible to map trends in the filing and backlog of cases and thereby implement appropriate measures for handling mass conflict.

The tool is currently being approved to incorporate suggestions from the Judiciary and from male and female employees of judicial bodies. At this moment, the available data refer to the courts of justice of Rio Grande do Norte (TJRN) and the Federal District (TJDFT), the federal courts of the 2nd (TRF2) and 4th Region (TRF4); and the labor courts of the 12th (TRT12) and 22nd (TRT22). In these bodies, the litigants with the most cases in progress are from the Public Administration, Defense, Social Security, and Financial and Insurance sectors.



#### Figure 7 - Home Screen of the Major Litigants Panel

# **3 OVERVIEW OF THE JUDICIARY**

The Brazilian Judiciary is composed of five segments of justice, namely: State Justice and Federal Justice, which make up Common Justice, and Labor Justice, Electoral Justice and Military Justice, which make up Special Justice. The following tables provide an explanatory summary of the competencies and structure of each branch of justice. Besides the Supreme Federal Court, there are also four Superior Courts: STJ, STM, TSE and TST.

### What is State Justice?

The State Courts, part of the common justice system (together with the Federal Courts), are responsible for judging issues that do not fall under the competence of the other segments of the Judiciary - Federal, Labor, Electoral and Military, in other words, their competence is residual.

### How is it organized?

Each of the units of the Federation is responsible for organizing its own justice system. The Judiciary of the Federal District and Territories is organized and maintained by the Union. The State Courts are present in all units of the Federation and encompass most of the judicial proceedings.

## What is its structure like?

From the administrative point of view, State Justice is structured in two instances or degrees of jurisdiction:

- ► First degree composed of judges, trial courts, courts of law, jury courts (responsible for crimes against life), state special small claims courts and small claims appeal courts.
- ▶ Second degree represented by the Courts of Justice (TJs). There, the magistrates are appellate judges, whose main attributions include judging claims of original jurisdiction and appeals against decisions handed down at the first degree.

### What are the special small claims courts?

Created by Law No. 9.099, of September 26, 1995, the special small claims courts have jurisdiction for the conciliation, processing, trial and execution of civil cases of lesser complexity (for example, cases the value of which does not exceed forty times the minimum wage, among others) and of minor criminal offenses, i.e., misdemeanors and crimes for which the law defines a maximum sentence of no more than two years. The appeal panels, in turn, made up of judges in the first degree, are in charge of hearing appeals against decisions of the special courts.

The Special Small Claims Courts are common justice units that are part of the Special Courts system, presided over by a judge of law and equipped with a secretariat and specific employees for conciliation, process, judgment and execution in the causes under their jurisdiction, as established by Law No. 12,153/2009.

## What is Labor Justice?

The Labor Justice conciliates and judges legal actions arising from labor relations (which include external public law entities and the direct and indirect public administration of the Union, the States, the Federal District and the Municipalities), those involving the exercise of the right to strike, actions on union representation, in addition to the demands originated from the enforcement of its own sentences, including those involving the exercise of the right to strike.

### How is it organized?

The bodies of Labor Justice are: the Superior Labor Court (TST), the 24 Regional Labor Courts (TRTs) and the labor judges in the labor courts. In the local locations that do not fall under the jurisdiction of the Labor Justice, the jurisdiction will be attributed to the Law Judges, with appeal to the respective Regional Labor Court.

### How is it formed?

The jurisdiction of the Labor Court is divided into 24 regions. From a hierarchical and institutional point of view, each of these regions is structured in two degrees of jurisdiction:

- ▶ First degree composed of the work courts where the labor judges are active. Its competence is determined by the place where it provides services to the employer, regardless of the place of hiring (whether national or international).
- ▶ Second degree composed of the Regional Labor Courts (TRTs). They hear ordinary appeals against decisions of the labor courts, collective bargaining, original actions, rescissory actions of its decisions or of the courts, and writs of mandamus against acts of its judges.

## What is the Federal Court?

In accordance with the provisions of Articles 92 and 106 of the Federal Constitution, the Federal Courts, an integral branch of the Judiciary structure, is composed of the Federal Regional Courts and federal judges.

The federal courts, together with the state courts, make up the so-called common justice system. It is specifically incumbent upon the Federal Court to judge the cases in which the Union, autonomous entities or federal public companies are interested as plaintiffs, defendants, assistants or opponents; cases involving foreign states or international treaties; political crimes or those practiced against assets, services or interests of the Union; crimes against the organization of labor; disputes over indigenous rights; among others exhaustively foreseen in Article 109 of the Federal Constitution. The Federal Courts do not have jurisdiction over bankruptcy cases, occupational accident cases, and cases under the jurisdiction of the specialized courts.

Due to the inclusion defined by the Amendment to the Constitution No. 45, of December 30, 2004, the Federal Court is now also responsible for judging cases related to serious human rights violations, as long as the Prosecutor General of the Republic submits an incident of competence shift to the Superior Court of Justice.

According to the alteration established by Amendment to the Constitution No. 103, of November 12, 2019, law may authorize that the causes of competence of the Federal Court in which social security institution and insured are parties may be processed and tried in state court when the district of the insured's domicile is not the seat of a federal court.

In the Federal Justice System, there are the Federal Special Courts, with competence to process, conciliate and judge causes under the competence of the Federal Justice System up to the amount of sixty minimum wages, as well as to execute its sentences, under the terms of Law No. 10.259, of July 12, 2001. And the Special Federal Criminal Courts process and judge the actions under the competence of the Federal Courts related to offenses of lesser offensive potential, respecting the rules of connection and continence.

### What is its structure like?

The organization of the first degree of jurisdiction of the Federal Justice System is regulated by the Law No. 5.010, of May 30, 1966, which determines that in each of the states, as well as in the Federal District, a judicial section will be established. Located in the capital cities of the Federation units, the judicial sections are formed by a group of federal courts, where federal judges are active. They are responsible for the original judgment of most of the lawsuits submitted to the Federal Court. The second degree of jurisdiction of the federal courts consists of five Regional Federal Courts (TRFs), with headquarters in Brasilia (TRF 1st Region), Rio de Janeiro (TRF 2nd Region), São Paulo (TRF 3rd Region), Porto Alegre (TRF 4th Region) and Recife (TRF 5th Region). The TRF 6th Region was recently created, with jurisdiction in the state of Minas Gerais and will be headquartered in Belo Horizonte.

The TRFs comprise two or more Federative States, as defined below:

- TRF 1st Region Acre, Amapá, Amazonas, Bahia, Distrito Federal, Goiás, Maranhão, Mato Grosso, Pará, Piauí, Rondônia, Roraima and Tocantins, besides Minas Gerais that will become part of the TRF 6th Region;
- ▶ TRF 2nd Region Espírito Santo and Rio de Janeiro;
- ▶ TRF 3rd Region Mato Grosso do Sul and São Paulo;
- ▶ TRF 4th Region Paraná, Rio Grande do Sul and Santa Catarina;
- ▶ TRF 5th Region Alagoas, Ceará, Paraíba, Pernambuco, Rio Grande do Norte and Sergipe.

In the comarcas where there are no federal courts, state judges have jurisdiction to prosecute and judge certain types of cases (Article 15, Law 5.010/1966).

## What is Electoral Justice?

The Electoral Justice is a specialized branch of the Brazilian Judiciary that is responsible for organizing and holding elections, referenda and plebiscites, for judging electoral issues, and for elaborating rules related to the electoral process.

## How was it created?

The Electoral Justice was created by the Electoral Code of 1932 (Decree No. 21,076, dated February 24, 1932). Currently, it is ruled mainly by the Electoral Code of 1965 (Law No. 4.737, of July 15, 1965) and its existence and structure are legally provided for in arts. 118 to 121 of the Federal Constitution of 1988, which, among other determinations, establish the Superior Electoral Court as its highest body, of last instance, and impose the existence of a Regional Electoral Court in the capital of each state and in the Federal District.
### How is your structure?

The Electoral Justice does not have its own staff of magistrates, who act by mandate. It is structured in three bodies, the Superior Labor Court, the first and the second degree:

- ▶ First degree composed of one electoral judge in each electoral zone, chosen from among the judges of law, and electoral boards, which exist provisionally only during elections and are composed of one judge of law and two or four citizens of notorious reputation.
- ► Second degree represented by the Regional Electoral Courts (TREs), which have in their composition two appellate court judges, two judges of law, a judge of the Federal Regional Court (federal appellate judge) or a federal judge and two lawyers of notable juridical knowledge and moral standing. The judges of the TREs, except for justified reasons, shall serve for a minimum of two years, and never for more than two consecutive two-year terms.

## What are the Electoral Boards?

They are temporary collegiate bodies of the first degree of Electoral Justice, constituted only during the period when elections are being held (60 days before the election until the graduation of the elected officials) and their main attributions are to count the votes and issue diplomas to the elected officials. It is composed of a judge, who will be the president, and two or four citizens of notorious reputation. The other competencies are listed in Article 40 of the Electoral Code.

### What is the State Military Justice?

The State Military Justice is a specialized branch of the Brazilian Judiciary responsible for processing and judging the military of the States (Military Police and Military Fire Department) in the military crimes defined by law and the judicial actions against military disciplinary acts, except for the competence of the jury when the victim is a civilian.

### How is it organized?

Each state has the competence to create its own State Military Justice by means of a law initiated by the Courts of Justice. However, the creation of a State Military Court of Justice is only possible if the state has more than twenty thousand members of the state military forces, including Military Police and Military Fire Brigade (Paragraph 3 of Article 125 of CF/88). All the Federation units have State Military Justice, of which three states have a Military Justice Court (Minas Gerais, Rio Grande do Sul and São Paulo).

# What is its structure like?

The State Military Justice is structured in two instances or degrees of jurisdiction:

- ▶ First degree it is constituted by the military auditors, composed of a judge of law, also called judge auditor, responsible for acts of office, and by the Justice Councils, a collegiate body formed by four military judges (officers of the arms) and the judge auditor himself, with the function of prosecuting military crimes.
- ▶ Second degree is represented by the Courts of Military Justice, in the states of Minas Gerais, São Paulo and Rio Grande do Sul. In the other states and in the Federal District, this function is up to the Courts of Justice (TJs) themselves.

### What is the Military Justice of the Union?

The Military Justice of the Union (JMU) is a branch of the Brazilian Judiciary that is responsible for processing and judging military personnel of the Armed Forces and civilians who commit military crimes as defined by law. It is the oldest segment of justice in Brazil, the Superior Military Court having been the first court in the country to be created, on April 1, 1808, by the then prince regent of Portugal, Dom João VI.

### What is its structure like?

The JMU is structured in two degrees of jurisdiction, a first instance and a superior court, the Superior Military Court (STM), as well as a Correction Audit. First Instance: Composed of 19 Auditoriums, divided into 12 Military Judicial Circumscriptions (CJM). The Hearings have mixed jurisdiction, i.e., each one judges cases concerning the Navy, the Army, and the Air Force. The trial is conducted by the Justice Councils, made up of four officers and the Judge Auditor.

Audit of Correction - is exercised by the judge auditor Corregedor (magistrate), and is registered throughout the national territory. The Correction Audit is a judicial-administrative oversight and guidance body.

Appeals from first instance decisions are referred directly to the STM, which is also responsible for originally judging general officers.

### What are the Superior Courts?

The Superior Courts are the highest bodies in their branches of justice, acting both in cases of original jurisdiction and as reviewers of first or second degree decisions. They are: Supe-

rior Court of Justice (STJ), Superior Military Court (STM), Superior Electoral Court (TSE) and Superior Labor Court (TST). The magistrates that make up these panels are called Ministers.

# **Superior Court of Justice**

It is the Superior Court of Common Justice (state and federal) for infra-constitutional causes (that are not directly related to the Federal Constitution), composed of 33 ministers. Its main function is to standardize the interpretation of Brazilian federal legislation, with the exception of issues under the jurisdiction of specialized courts (Electoral and Labor). Its competencies are foreseen in article 105 of the Federal Constitution, among which are the judgement in special appeals of cases decided in a final or sole instance by the Federal Regional Courts, by the Courts of Justice or by the Military Justice Courts of the states when the decision appealed against contradicts federal law.

## **Superior Military Court**

The STM is an court of the Military Justice of the Union, composed of 15 ministers for life, appointed by the President of the Republic after being approved by the Federal Senate, of which three are officers-general of the Navy, four officers-general of the Army, three officers-general of the Air Force - all active and of the highest rank in their career - and five civilians chosen by the President of the Republic. The Superior Military Court, one of the three specialized Superior Courts in Brazil, has the attribution of judging appeals from the first instance of the Military Justice of the Union, as well as original jurisdiction to prosecute and judge general officers, and decree the loss of rank and patent of officers of the Armed Forces judged unworthy or unfit for officership.

## **Superior Electoral Court**

The highest body of Electoral Justice, the TSE is composed of seven sitting ministers and seven substitute ministers. There are three incumbents and three substitutes coming from the STF, two incumbents and two substitutes coming from the STJ, and two incumbents and two substitutes from the jurist class, lawyers nominated by the STF and appointed by the Presidency of the Republic. Its main function is to ensure the smoothness of the entire electoral process. The TSE is responsible, among other attributions foreseen in the Electoral Code, for judging the appeals arising from the decisions of the Regional Electoral Courts (TREs), including those on administrative issues.

# **Superior Labor Court**

The highest body of Labor Justice, the TST is composed of 27 ministers. Its main function is to standardize the decisions about labor actions, consolidating the jurisprudence of this branch of law. The TST has jurisdiction to rule on appeals to review courts, ordinary appeals and interlocutory appeals against decisions of the TRTs and collective bargaining agreements of nationally organized categories, as well as on writs of mandamus and stays of execution against its decisions and rescissory actions, among others listed in article 114 of the Federal Constitution. 114 of the Federal Constitution.

# 3.1 FIRST DEGREE STRUCTURE

The first degree of the Judiciary is structured in **14,799 judicial units**, a number similar to the one presented in the previous year. As shown in Figures 8 and 9, this total breaks down as follows:

- ▶ In the State Courts, there are 8,346 trial courts and 1,206 special courts;
- ▶ In the Federal Court, there are 790 federal courts and 194 federal special courts;
- ▶ In Labor Justice, there are 1,587 labor courts;
- ▶ In Electoral Justice, there are 2.644 electoral zones;
- ▶ In the State Military Justice, there are 13 military auditorships;
- ▶ In the Military Justice of the Union, there are 19 military auditorships.

Most of the judicial units belong to the State Courts, which have 9,552 trial courts and special courts and 2,654 local jurisdictionlocal jurisdictions (47.6% of the Brazilian municipalities are home to State Courts). The Labor Court is located in 624 municipalities (11.2% of the municipalities) and the Federal Court in 278 (5% of the municipalities).

Of these units, 67.5% already function in the 100% digital judgment mode, in which all procedural acts in the court unit are performed digitally.



Figure 8 - First degree judicial units, per branch of justice

Figure 9 - Diagram showing the number of first degree judicial units, per branch of justice



Figure 10 presents the number of judicial units and the number of municipalities that are the headquarters of the respective units. For the Federal Court, the number of local jurisdictions; for the Labor Court, the number of municipalities that have labor courts; and, for the Electoral Court, the number of municipalities with electoral registries.



#### Figure 10 - Number of host municipalities and judicial units per court

 1
 TRE-DF
 19

 9
 TRE-AP
 10

 8
 TRE-AC
 9

 7
 TRE-RR
 8

240

254

Figure 11 presents the percentage of the population of each Federation Unit (UF) residing in municipalities that host judicial units (municipalities) of the State Courts, indicating how close the physical structures of the Judiciary are to the community. It can be observed that 89.7% of the Brazilian population resides in the municipality where the State Courts are located. This means that, although the local jurisdictions cover 47.6% of the municipalities, they are located in places with a large population. In the Federal District and the states of Rio de Janeiro, Ceará, Sergipe and Amapá, the local jurisdictions are located in such a way that almost all the inhabitants live in municipalities with courts. In the opposite situation are the states of Tocantins, Amazonas and Rondônia - with less than 72% of the population residing in a judicial district.



Figure 11 - Percentage of the population residing in municipalities that are the seat of a judicial unit

Figures 12 to 16 present the territorial mesh of the Brazilian local jurisdictions, with mapping of their municipalities. The municipalities painted in green are those in which there is a Judiciary

unit within its territorial limits. The data was extracted from the Monthly Productivity Module (MPM) system, which has a national registry of all the judicial units and their respective local jurisdictions, with designation and geospatial location. The total area of the local jurisdiction covers 76% of the Brazilian territory, in square kilometers. The Statistics Panel of the National Judiciary Database (DataJud), available at https://www.cnj.jus. br/datajud/painel-estatistica/, allows the user free navigation in the "Maps" tab. This panel shows the judicial structure of each court in association with the procedural statistics for each municipality in Brazil.





Figure 13 - Geographical distribution of the local jurisdictions in the Southeast region





Figure 14 - Geographical distribution of the local jurisdictions in the Midwest region

Figure 15 - Geographical distribution of the local jurisdictions in the Northeast region





Figure 16 - Geographical distribution of the local jurisdictions in the North region

Figure 17 shows the location and concentration of the judicial units in the territory. There is a large concentration in the coastal strip of the country, with a more sparse distribution in the states of the Northern region and in the states of Mato Grosso and Mato Grosso do Sul.



Figure 17 - Location of the judicial units of the State, Federal, Labor and Military Courts

Figures 18 to 22 present the population distribution per judicial unit for the total Judiciary and per segment of justice, with information grouped by Federation Unit.

In Figure 18, it can be seen that the three highest indices of inhabitants per first degree judicial unit are in the states of Pará and Maranhão, São Paulo, followed by the state of Amazonas. These four states have 31% of the Brazilian population, 40% of Brazil's territorial extension, and only 25% of the judicial units.

The state of Maranhão presents the highest ratio of inhabitants per judicial unit also in Labor Justice, with 23 labor courts. The comparison of this information with that shown in Figure 11, in which this Federal District appears as the one with the lowest rate of population served by the state local jurisdictions among the medium-sized courts, may indicate a problem of access to justice, compared to the other states, that can still be better studied.

In Electoral Justice, the highest concentration of inhabitants per electoral zone is in the Federal District, São Paulo, and Rio de Janeiro (Figure 20).



### Figure 18 - Inhabitants per judicial unit



Figure 21 - Inhabitants by labor court



Figure 22 - Inhabitants by court and federal special court



# Figure 19 - Inhabitants by court and state special

Figure 20 - Inhabitants by electoral court



# 3.2 CLASSIFICATION OF THE COURTS BY SIZE

Considering the continental extension of the Brazilian territory, it is necessary to establish methodological parameters that allow an equitable comparison among the various courts. The social and demographic reality and regional singularities can impact the size of each judicial unit. Thus, to allow comparative information to be obtained, it is necessary to create an index that takes into consideration variables that refer to the administrative and financial activity of the court.

Thus, the classification of the courts by size aims to create groups that respect distinct characteristics within the same branch of justice.

To construct the index, the following attributes were used: total expenses; new cases; pending cases; number of magistrates; number of public servants (permanent, requisitioned, assigned, and commissioned without permanent status); and number of auxiliary workers (third-parties, interns, lay judges, and conciliators).

The consolidation of this information forms a single score, which is calculated for each court using the Principal Component Analysis technique<sup>1</sup>. Based on the index obtained, we proceed to group into three categories, denominated by size, thus organized: great, medium, or small courts.

Tables 1 to 3 present the data used for the grouping, the scores obtained, the ranking, and the classification into groups for each of the State Court, Labor Court, and Electoral Court. The distribution of the sizes according to the justice segments can be better visualized in Figures 23 to 25. The courts in the states of Minas Gerais, São Paulo, Rio de Janeiro, and Rio Grande do Sul appear as large courts in the three branches of justice, while the courts in the states of Acre, Alagoas, Mato Grosso do Sul, Roraima, Rondônia, and Sergipe are among the small courts.

Another relevant aspect is the symmetry between sizes, geographic regions, and demographic data. Note that in the State Courts, the South and Southeast regions are basically composed of great courts (with the exception of the TJSC and TJES).

The five largest state courts (TJRS, TJPR, TJSP, TJRJ and TJMG) concentrate 64% of the national Gross Domestic Product (GDP) and 51% of the Brazilian population, while the five Smaller state courts (TJRR, TJAC, TJAP, TJTO, TJAL) cover only 2% of the GDP and 3% of the population.

<sup>1</sup> Technical details are available in the methodological appendix, which contains information about the statistical technique employed, in this case, principal component analysis.



### Figure 23 - Territorial distribution of the Courts of Justice according to size

Figure 24 - Territorial distribution of the Regional Labor Courts by size

#### Figure 25 - Territorial distribution of the Regional Electoral Courts by size



Size	Court	Score	Total Expenditure	New cases	Pending cases	Magistrates	Servants
Great	TJSP	4,338	12.789.545.880	5.590.146	21.683.126	2.661	61.846
Great	TJRJ	1,128	6.280.115.352	1.811.896	7.160.923	872	24.221
Great	TJMG	1,111	6.735.890.808	1.478.922	4.369.191	1.065	28.441
Great	TJRS	0,501	3.790.309.808	1.322.659	3.718.711	742	16.107
Great	TJPR	0,498	2.772.858.881	1.213.375	3.442.269	925	18.241
Medium	TJBA	0,371	3.872.431.337	1.266.430	3.159.792	666	11.876
Medium	TJSC	0,160	2.436.893.257	958.780	3.159.432	519	12.575
Medium	TJGO	-0,021	2.507.925.162	665.006	1.680.757	393	11.894
Medium	TJPE	-0,071	1.881.832.050	571.343	1.531.581	534	9.850
Medium	TJDFT	-0,119	3.059.455.779	357.314	736.542	374	10.180
Medium	TJCE	-0,213	1.324.333.183	444.734	1.140.800	460	8.105
Medium	TJPA	-0,287	1.390.791.800	308.639	1.119.935	371	7.028
Medium	TJMT	-0,288	1.603.056.205	427.286	866.389	275	7.695
Medium	TJMA	-0,312	1.301.219.305	385.448	974.953	334	6.364
Medium	TJES	-0,331	1.560.119.200	303.960	982.517	304	5.673
Small	TJMS	-0,401	1.094.184.650	368.055	938.168	219	4.955
Small	TJPB	-0,439	803.332.093	279.470	651.420	260	4.833
Small	TJRN	-0,462	991.436.299	196.129	587.565	233	4.345
Small	TJAM	-0,478	747.792.570	351.182	595.823	207	3.304
Small	TJSE	-0,515	661.186.621	252.065	376.290	164	4.213
Small	TJPI	-0,518	675.032.150	217.574	523.817	177	3.667
Small	TJRO	-0,539	724.330.066	235.844	330.745	137	3.468
Small	TJAL	-0,540	690.728.194	207.192	472.459	150	3.169
Small	OTLT	-0,560	666.617.066	174.437	419.769	131	2.997
Small	TJAP	-0,660	365.363.731	85.727	128.957	71	1.585
Small	TJAC	-0,667	305.814.666	63.023	131.872	65	1.813
Small	TJRR	-0,688	282.714.213	44.467	52.742	58	1.283

# Tabela 5 - Classification of State Justice Courts by size, base year 2021

Size	Court	Score	Total Expenditure	New cases	Pending cases	Magistrates	Servants
Great	TRT2	3,070	2.879.642.505	568.783	968.020	606	6.259
Great	TRT15	1,694	1.724.900.888	406.720	702.828	392	4.108
Great	TRT1	1,528	2.016.422.367	289.228	736.056	299	4.376
Great	TRT3	1,167	1.954.421.710	295.107	290.980	302	4.341
Great	TRT4	0,969	1.753.791.877	190.747	446.478	287	3.670
Medium	TRT5	0,372	1.166.539.459	126.484	326.259	208	2.733
Medium	TRT9	0,371	1.114.576.836	164.868	289.081	202	2.694
Medium	TRT6	-0,020	878.148.359	109.158	173.790	148	2.162
Medium	TRT12	-0,164	787.631.091	105.719	138.249	130	1.715
Medium	TRT18	-0,301	570.360.207	92.784	116.618	106	1.687
Medium	TRT8	-0,352	643.600.479	65.018	73.632	114	1.621
Medium	TRT10	-0,379	635.205.211	61.066	146.163	103	1.175
Medium	TRT7	-0,442	461.065.302	67.834	120.286	80	1.400
Small	TRT11	-0,528	509.663.029	34.767	105.312	73	1.181
Small	TRT13	-0,602	485.547.905	40.458	42.680	68	1.045
Small	TRT17	-0,625	337.697.793	45.070	69.655	67	980
Small	TRT23	-0,634	342.234.674	40.732	52.025	76	957
Small	TRT16	-0,666	238.263.986	53.028	100.425	57	724
Small	TRT14	-0,677	355.303.143	38.936	32.614	64	875
Small	TRT21	-0,705	304.686.596	28.991	45.373	55	906
Small	TRT24	-0,717	280.299.277	34.602	51.725	56	758
Small	TRT19	-0,723	244.845.554	28.685	79.682	50	756
Small	TRT20	-0,817	192.408.537	23.404	39.935	36	608
Small	TRT22	-0,819	160.951.152	31.697	38.909	35	587

# Tabela 6: Classification of the Labor Justice Courts by size, base year 2021

Size	Court	Score	Total Expenditure	New cases	Pending cases	Magistrates	Servants
Great	TRE-SP	3,429	857.896.813	8.016	42.615	400	4.247
Great	TRE-MG	2,207	689.512.384	6.008	27.204	311	2.994
Great	TRE-RJ	1,400	561.552.765	7.391	17.995	172	1.833
Great	TRE-PR	0,620	367.451.662	4.018	7.871	193	1.552
Great	TRE-BA	0,602	322.076.704	3.618	5.882	205	1.927
Great	TRE-RS	0,532	371.400.920	3.379	9.981	172	1.416
Medium	TRE-GO	0,154	233.445.524	3.759	8.724	99	1.124
Medium	TRE-CE	0,153	230.450.465	3.155	7.735	116	1.310
Medium	TRE-PE	0,083	237.981.406	1.373	10.947	129	1.258
Medium	TRE-PA	0,043	214.273.618	2.321	9.530	106	1.178
Medium	TRE-MA	-0,015	223.409.905	2.298	8.531	112	933
Medium	TRE-SC	-0,190	234.316.917	1.638	3.715	106	933
Medium	TRE-PI	-0,220	182.878.418	2.084	6.651	81	818
Medium	TRE-PB	-0,252	167.614.800	2.471	6.704	74	661
Medium	TRE-RN	-0,320	156.705.750	1.921	5.712	67	806
Medium	TRE-AM	-0,379	163.072.988	792	8.335	67	728
Small	TRE-MT	-0,413	145.138.775	2.291	2.703	63	647
Small	TRE-ES	-0,524	137.588.130	620	6.071	57	615
Small	TRE-AL	-0,555	119.634.496	1.793	4.096	49	363
Small	TRE-SE	-0,622	102.704.165	1.244	4.268	36	487
Small	TRE-MS	-0,632	115.709.425	901	1.774	56	572
Small	TRE-TO	-0,684	99.296.062	458	4.478	40	499
Small	TRE-RO	-0,803	101.321.896	446	1.518	36	311
Small	TRE-DF	-0,823	108.129.841	124	713	27	493
Small	TRE-AP	-0,914	55.671.578	296	1.664	17	284
Small	TRE-AC	-0,915	63.072.074	216	2.226	16	230
Small	TRE-RR	-0,963	44.621.929	464	478	13	212

### Tabela 7: Classification of the Electoral Justice Courts by size, base year 2021

# 3.3 INFOGRAPHICS

In this topic, the main indicators for the Judiciary are presented, in the form of infographics, by segment of justice, providing an overview of budgetary and personnel resources, litigiousness indicators, average case times, and the most recurrent demands according to class and subject.

# JUDICIARY





### AVERAGE DURATION OF PROCEEDINGS IN THE JUDICIARY

# **STATE COURTS**





#### **AVERAGE DURATION OF PROCEEDINGS IN STATE COURT**

#### **PROCEDURAL MOVEMENT**



	2ND D	EGREE	1ST D	EGREE	APPEALS	COURTS	SPECIAL COURTS		TOTAL	
LABOR FORCE										
Magistrates	1.748	Jacob Carlos	9.337	~~~~	1.406	2 × 4	3.174	$\sim$	12.367	and the second
Judiciary Servants	18.238		111.619		974	/···	20.353		142.420	Jana .
PROCEDURAL MOVEMENT										
Stock	2.684.038		52.422.930		628.724		5.200.853		60.936.545	
New cases	2.624.080		12.600.713	$\sim$	12.600.713	$\sim$	3.757.904	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	19.581.103	$\sim$
Judged	2.190.057		10.750.906	$\sim$	585.088		4.161.933	$\sim \sim$	17.687.984	$\sim \sim$
Resolved	2.878.547		11.747.080	$\sim \sim$	3.757.904	++**	3.862.908	+++/>+	19.041.040	$\sim \sim$
PRODUCTIVITY INDICATORS										
IAD	109,7%	-	93,2%	$\sim$	92,3%	$\sim$	102,8%	~~~~	97,2%	
Congestion Rate	48,3%	$\sim$	81,7%	$\sim$	53,2%	and the second	57,4%	~~~	76,2%	~~~~
Discovery	not app	licable	73,5%		not applicable		56,8%		70,2%	
Execution	not app	licable	87,	,7%	not applicable		58,9%		85,9	%
INDICATORS PER MAGISTRATE										
New cases	1.501	$\sim$	1.236	$\sim$	428	$\sim$	1.013	-	1.468	$\sim$
Workload	3.622	++****	7.482	^~-	1.059		3.063	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	7.067	$\sim$
Cases tried	1.253		1.232	$\sim$	418	1	1.334	mayo	1.513	$\sim \sim$
Disposed cases	1.647	${\dashrightarrow} {\nearrow}$	1.347	•~~•	395	4	1.238	and to	1.628	$\sim \sim \sim$
INDICATORS PER SERVER										
New cases	148		102	and the	639	*****	162	and the	127	****
Workload	358	-	617	$\sim$	1.580	100	488	m.	610	$\sim$
Cases resolved	163	$\sim$	111	$\sim$	590		197	and a	140	$\sim \sim$

# **LABOR JUSTICE**



2nd degree 📕 1st degree 📕 administrative



### AVERAGE DURATION OF PROCEEDINGS IN THE LABOR COURTS

# **PROCEDURAL MOVEMENT**



	2nd D	egree	1st De	gree	TOTAL	
LABOR FORCE						
Magistrates	551	2.000	3.063		3.614	and the
Judiciary Servants	7.067		22.279		29.346	1mm
PROCEDURAL MOVEMENT						
Stock	623.554		4.563.221	*****	5.186.775	****
New cases	645.295	···	2.298.591	~~~~	2.943.886	$\sim\sim\!\!\!\sim_{\!\!\sim}$
Judged	783.827	~	3.106.147	$\sim$	3.889.974	and the
Resolved	717.383		2.214.313	and to	2.931.696	
PRODUCTIVITY INDICATORS						
IAD	111,2%		96,3%		99,6%	$\sim$
Congestion Rate	46,5%	•••	67,3%		63,9%	
Discovery	not ap	plicable	59,5%		59,5%	
Execution	not ap	plicable	75,7%		75,7%	
INDICATORS PER MAGISTRATE						
New cases	1.171		562		663	
Workload	2.892		2.641		2.683	and the
Cases tried	1.423	and the	1.116	~~V	1.166	~
Disposed cases	1.302		795	and	879	and to
INDICATORS PER SERVER						
New cases	94		73		78	and the
Workload	233		341	~~~	315	
Cases resolved	105		103	and to	103	

# **FEDERAL JUSTICE**



Existing Positions: 2,412



LABOR FORCE

**TOTAL: 41,730** MAGISTRATES: 1,900 **SERVANTS: 28,100** Permanent employees: 25,869 Assigned/recruited: 2,050 Effective bond: 181

AUXILIARES: 11,730

SERVANTS Existing Positions: 28,269



📕 2nd degree 📕 1st degree 📕 administrative



#### AVERAGE DURATION OF PROCEEDINGS IN FEDERAL COURT

#### **PROCEDURAL MOVEMENT**



	2ND D	DEGREE	1ST D	EGREE	APPEALS	COURTS	SPECIAL	COURTS	TOTAL	
LABOR FORCE										
Magistrates	134	/	1.291	$\sum_{i=1}^{n}$	214	$\sum_{i=1}^{n}$	1.018		1.900	No.
Judiciary Servants	3.392	••••	15.530		883		9.349		21.940	
PROCEDURAL MOVEMENT										
Stock	1.161.157	and the second	5.388.776	·-^-	460.555		3.162.113		10.178.230	$\sim$
New cases	480.513	$\sim$	849.452	and a	849.452	****	2.680.745	$\sim$	4.386.386	$\mathcal{N}$
Judged	563.021	and the	862.994	$\sim$	387.973	$\sim$	1.776.709		3.595.001	$\sim$
Resolved	516.469	<b>⊷</b> ∕∽•	992.131	and a	2.680.745		1.829.642		3.733.271	
PRODUCTIVITY INDICATORS										
IAD	107,5%	$\sim$	116,8%	5.	105,2%		68,3%		85,1%	ţ
Congestion Rate	69,2%	$\sim$	84,5%		54,1%		63,3%	-	73,2%	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Discovery	not ap	plicable	65,69	%	not app	olicable	66,9	9%	66,6%	
Execution	not ap	plicable	89,69	%	not app	licable	35,2	2%	84,1	%
INDICATORS PER MAGISTRATE										
New cases	3.586	1	554	$\sim \sim \sim$	1.854		2.377	5	2.195	$\sim$
Workload	14.296	and the	5.446	$\checkmark$	4.730		5.070	$\sim$	8.140	$\sim$
Cases tried	4.202	and the	720	$\checkmark$	1.940	$\sim$	1.768	show a	2.019	$\sim$
Disposed cases	3.854	***	827	and a	1.950		1.821	and a	2.096	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
INDICATORS PER SERVER										
New cases	146		44		434		266	man 1	185	$\sim$
Workload	582	and the second	437	$\sim$	1.108	a martine a	567	5	685	$\sim$
Cases resolved	157		66		457	~~~	204	m.	177	···/.

# **ELECTORAL JUSTICE**



# AVERAGE DURATION OF PROCEEDINGS IN THE ELECTORAL JUSTICE SYSTEM







	PENDANT	TIME								
2nd degree		1 year 1 month								
1st degree execution							5 years 6 months			
1st degree discovery phase		1 year 4 n	nonths							
	1	2		3	4	5	6	1	8	9
							Years			

10

## **PROCEDURAL MOVEMENT**



	2nd D	egree	1st De	gree	TOTAL	
LABOR FORCE						
Magistrates					2.820	
Judiciary Servants	1.615	$\sim$	9.991		11.606	
PROCEDURAL MOVEMENT						
Stock	19.323	and the second s	198.798	$\Delta$	218.121	$\sim$
New cases	23.966	$\mathbf{x}_{\mathbf{x}}$	39.129		63.095	Λ
Judged	26.864	$\sim$	542.529		569.393	and to
Resolved	28.389		561.107		589.496	1
PRODUCTIVITY INDICATORS						
IAD	118,5%	$\sim$	1434,0%	1	934,3%	
Congestion Rate	40,5%		26,2%	$\sim$	27,0%	1
Discovery	not ap	plicable	26,0%		26,0%	
Execution	not ap	plicable	85,0%		85,0%	
INDICATORS PER MAGISTRATE						
New cases	131	$\mathbf{x}_{\mathbf{x}}$	15		22	Λ
Workload	302		290	·····	291	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Cases tried	147	$\mathcal{I}_{\mathcal{I}}$	206		202	
Disposed cases	155	~~~~~	213	*****	209	*****
INDICATORS PER SERVER						
New cases	15		4		6	
Workload	35		80		73	and the
Cases resolved	18	- Jane	58		53	



# **STATE MILITARY JUSTICE**


## AVERAGE DURATION OF PROCEEDINGS IN THE STATE MILITARY JUSTICE SYSTEM

## **PROCEDURAL MOVEMENT**



	2nd Degree		1st Degree		TOTAL		
LABORFORCE							
Magistrates	21	·/····	19		40		
Judiciary Servants	83	<u></u>	146		229		
FROEEURALMOVEVENT							
Stock	1.191	~~~~	2.816	·	4.007	~~~···	
New cases	1.488	~~~	1.977	<u></u>	3.465	<u></u>	
Judged	1.641	~~~···	1.576	<u>_</u>	3.217	<u></u>	
Resolved	1.427	$\sim$	1.480	<u></u>	2.907	- <b>&gt;</b> -	
FROLICIIVITYINDICATORS							
IAD	95,9%		74,9%		83,9%	and the second s	
CongestionRate	45,5%		65,5%		58,0%		
Discovery	not ap	not applicable		56,6%		56,6%	
Execution	not ap	not applicable		95,7%		95,7%	
INDICATORSPERMAGSIRATE							
New cases	71	~~	77	<u></u>	74	1	
Workload	147	~~~~	230	<u></u>	186	$\sim$	
Casestried	78	$\sim$	83	$\sim$	80	<u></u>	
Disposed cases	68	~~~	78	<u></u>	73	1	
INDICATORSPERSERVER							
New cases	18	~~~~·	10		13		
Workload	37	<u></u>	31	1	33	~~~~	
Cases resolved	17	$\sim$	10	~	13	~~	

## SUPERIOR COURT OF JUSTICE



## **SUPERIOR LABOR COURT**



## SUPERIOR ELECTORAL COURT





## MILITARY JUSTICE OF THE UNION

# 4 FINANCIAL AND PEOPLE RESOURCES

This chapter presents data on the budgetary and personnel resources of the Judiciary, with information on expenditures, revenues, and workforce.

## 4.1 TOTAL EXPENSES AND REVENUE

According to Figure 26, in the year 2021, **the Judiciary's total expenses were R\$103.9 billion**, which represented a reduction of 5.6% in relation to the last year. The expenses referring to previous years were corrected according to the CPIA inflation index (National Wide Consumer Price Index). This decrease was caused, especially, due to the variation in the personnel expenses item, which fell by 6.7%, and in capital expenses, which fell by -2.4%. On the other hand, there was a 10.8% increase in other current expenses, probably due to the resumption of part of the on-site services that occurred with the cooling of the pandemic and the beginning of vaccination.

It is worth mentioning that the 2021 expense, disregarding the effect of inflation, was equivalent to what it was nine years ago, in 2013, and that the Judiciary's expenses have shown reductions in the last two years, especially as a result of the drop in personnel expenses.

It is important to clarify that in order to allow the temporal analysis of the statistical data disregarding the inflationary effect, all monetary values prior to 2021 are deflated according to the CPIA. Thus, the figures published in the Justice in Numbers Reports from previous years may differ from the numbers presented here.

The expense of the State Courts, a segment that covers 79% of the cases in progress, corresponds to approximately 59% of the total expense of the Judiciary (Figure 27). In the Federal Court, the ratio is 13% of the cases for 12% of the expenses, and in the Labor Court, 7% of the cases and 19% of the expenses.



## Figure 26 - Judiciary Expenditure Historical Series

Figure 27 - Total Expenditure per Justice Segment



The total expenses of the Judiciary correspond to 1.2% of the national GDP, or 9.64% of the total expenses of the Union, the states, the Federal District, and the municipalities.

In 2021, the cost for the justice service was R\$489.91 per inhabitant, R\$32.4 less, per person, than in the last year, which represents a reduction of 6.2%, as shown in Figure 28.

In Figure 29, it is possible to see that the reduction in spending per inhabitant in the last year occurred in all segments of the Judiciary. The biggest reduction occurred in State Justice, with a drop from R\$ 301.16 to R\$ 289.05, between the years 2020 and 2021, and in Labor Justice, with a drop of R\$ 9.3.

It is worth mentioning that 19.5% of the expenses are related to inactivity expenses, that is, the social security commitment of the Judiciary regarding the payment of retirement pensions<sup>2</sup>. Discounting these expenses, the actual expenditure for the functioning of the Judiciary is **R\$ 83.7 billion**, the expenditure per inhabitant is R\$ 394.62, and it consumes 1% of the GDP.



## Figure 28 - Historical series of expenses per inhabitant

<sup>2</sup> In some courts inactives are paid out of funds and do not make up the court's budget. In this case, the expenses are not computed.



### Figure 29 - Historical series of per capita expenditures by branch of justice.

Expenditure per capita (excluding inactive caseload)



Figure 30 - Expenditures per capita with or without inactive cost, by court.

Personnel expenses are responsible for 92% of total expenses and comprise, besides the remuneration of judges, employees, retired employees, third-party employees and interns, all the other aid and assistance due, such as meal allowances, per diems, tickets, among others. Due to the high amount of these expenses, they will be detailed in the next section. The remaining 8% of expenses refer to capital expenditures (1.4%) and other current expenses (7%), which total R\$ 1.5 billion and R\$ 7.3 billion, respectively.

According to the SIAFI Manual, the budget management system of the National Treasury Secretariat of the Ministry of Economy<sup>3</sup>, the difference between current and capital expenditures is linked to whether or not a capital good (investment, fixed assets, intangible assets) or debt amortization is generated. If the expenditure generates a capital good, it will be classified as capital expenditure and its expenditure will be incorporated into the corresponding assets.

The historical series of capital expenditures showed an upward trend between the years 2009 and 2012. Since then, even with subtle fluctuations, it has generally been declining over the last ten years, but has held steady in the last year. IT spending showed increasing behavior between the years 2009 and 2014, and since then has remained relatively stable, but with a record increase of 11.86% in the last to year (Figure 31).





Despite the considerable expense of the Judiciary, the public coffers received R\$73.42 billion during 2021 as a result of judicial activity, a return on the order of 71% of the expenses incurred. This was one of the highest amounts earned in the historical series, only surpassed by the 76% amount in 2019. Only in 2009 and the last four years (2018-2021) has the collection exceeded the 60% degree (Figure 32).

 $<sup>\</sup>label{eq:alpha} 3 Available at https://conteudo.tesouro.gov.br/manuais/index.php?option=com_content&view=categories&id=721&Itemid=700. Acesso em ago/2022$ 

The collection includes collections with court fees, execution phase, emoluments and any other fees (R\$14.5 billion, 19.8% of the collection); the revenue from the causa mortis tax on inventories and probate (R\$10.3 billion, 14%); tax enforcement (R\$44.6 billion, 60.7%); social security enforcement (R\$3.4 billion, 4.6%); enforcement of penalties imposed by labor relations inspection agencies (R\$1.1 million, 0%); and income tax revenue (R\$676.5 million, 0.9%).

Due to the very nature of its jurisdictional activity, the Federal Court is responsible for the largest part of the collections: 50% of the total received by the Judiciary (Figure 33), the only branch that returned to the public coffers an amount higher than its expenses (Figure 34). These are mostly revenues from tax foreclosure activity, that is, debts paid by debtors as a result of legal action. Of the R\$ 44.6 billion collected in tax foreclosures, R\$ 36.4 billion (81.6%) come from the Federal Court and R\$ 8 billion (18%) from the State Court.

It is worth clarifying that part of the collections is motivated by a collection from the Executive Branch, made through the Judiciary, as occurs, for example, in causa mortis taxes, which can even be extrajudicially incurred, in which case the amounts are not computed in this Report since there is no judicial action.







#### Figure 33 - Collections by branch of justice

Figure 34 - Percentage of revenues in relation to Expenses, per branch of justice



The relationship between the total amount of fees and emoluments collected and the number of cases (except criminal cases and special courts) can be seen in Figure 35, where it is possible to observe the average impact of the costs and the grants of Free Legal Aid (FLA) in the courts. The Courts of Justice of the states of Minas Gerais, Rio de Janeiro, Goiás and Mato Grosso collected, in the year 2021, the greatest financial volume, with collections exceeding R\$ 2 thousand per lawsuit filed, probably as a result of the cost tables practiced locally, which vary among the courts of justice. The high amount informed by the TRT of the 9th Region (PR) draws attention, since in Labor Justice the schedule of costs is uniform for all regions, with a variation of the amounts depending on the value of the case and the outcome of the process (conviction or acquittal). A similar fact occurs at the TRF 1st Region.

The TJDFT has the lowest collection among the Courts of Justice (R\$ 246.15 per case filed), with a similar indicator to the Regional Labor Courts (average of R\$ 357.68), since the costs are fixed by the Union. The State Courts present the lowest average amount collected with costs and emoluments, with R\$ 1,470.6 per case filed.



### Figure 35 - Amounts collected in relation to the number of cases filed subject to cost collection

## 4.2 PERSONNEL COSTS

This topic details personnel expenses, responsible for 91.5% of the Judiciary's total spending. It can be seen in Figure 36 that personnel expenditures vary proportionally with total spending in the Judiciary. The percentage spent on personnel has remained relatively stable over the 13 years of the historical series, and in the last two years reductions have been observed. The lowest measured value was in 2012 (88.8%) and the highest, in 2020 (92.6%). The increase in the percentage is due, precisely, to the reduction in other expenses, causing the personnel expenses, even with a small reduction, to be proportionally higher than in previous years.

The historical series by branch of justice (Figure 38) indicate a drop in the last year of the percentage in the State and Federal Courts, with growth in the others. The segment with the highest proportion of resources allocated to personnel payment is Labor, 96.8%, and the lowest proportions are in the State Courts of Justice, 89%. In the Superior Courts, there was the largest increase, compared to the previous year, from 87% to 91.3%.

The breakdown of this item shows that 86.2% of the expenditures are for the payment of allowances and remuneration to magistrates and active and retired public servants, which also include pensions, income tax, and social charges; 7.1% are for payment of benefits (e.g., food stamps, health care assistance); 2.4% are for contingency and indemnity expenses, such as per diems, tickets, and housing allowances; 3.6% are spent on third-parties services and 0.6% on treinees (Figure 37).











#### Figure 38 - Historical series of personnel expenditures, per branch of justice

Considering the entire Judiciary, the expenses with commissioned and commissioned positions represented 12.6% of the total personnel expenses in the Judiciary, the percentage spent with commissioned positions was 9.6% and with commissioned positions 3%. Adding up both forms of bonus, the percentages per court can be seen in Figure 39, ranging from 5% in the TJPB to 33% in the TJTO. In Electoral Justice, the TRE-RR presents the highest percentage of expenses with commissioned positions and functions (16.3%). In Labor Justice, the highest percentage is in the TRT21 (10.2%). In State Courts and State Military Courts, the law creating the posi-

tions can foresee only one of the modalities, that's why some cases are represented with 0%. Comparing the justice segments, it is verified that the highest average is in the Military Justice, with 19.49%, followed by the State Justice, 16.19%

In Figure 40, the average monthly expenses of the Judiciary with magistrates and civil servants payment are presented. It is important to clarify that the amounts include payments of salaries, indemnities, social security charges, income tax, expenses with business trips (airline tickets and per diems<sup>4</sup>), which does not correspond, therefore, to salaries, nor to the amounts received by public servants. That said, it can be observed that the expenses represent a monthly average of R\$ 60.3 thousand per magistrate; R\$ 16.8 thousand per server; R\$ 4.3 thousand per outsourced employee and R\$ 849.12 per intern. Apparently, there is an error in the information provided by the TJPB (R\$ 583 thousand) regarding the magistrature expenses, which caused the values to grow by 7.4%.

It should also be noted that the calculation considers payments with inactive and pensioners, which can lead to differences when a comparison is made between courts, since the modality of such salaries can occur at the expense of the body or through pension funds, in which case they are not computed. Moreover, because this is an average value, it is important to clarify that any compensation received as a result of a court decision for a small group of individuals can greatly impact the averages shown in Figure 40, especially in small or medium-sized agencies, which have fewer employees. Thus, and for the reasons explained above, there is a difference between the segments of justice funded by the Union, in which salaries are uniform.

It should be emphasized, therefore, that the amounts presented **do not** correspond to the salary of the judges and public servants, but only to the cost of justice. It is also worth noting that the sum of income tax (up to 27.5%) and social security (11%), both levied on the total remuneration, depending on the date of entry into public service, can generate impacts of almost 40% on the payroll.

In the scope of Electoral Justice, the salary is paid by the original body, leaving only gratuities and occasional expenses to be borne by the TREs. The cost of electoral prosecutors was included in the magistrates' expenses.

<sup>4</sup> Per diems are intended to defray the cost of travel and are used to pay for lodging, meals, and transportation during the transit period.









Electoral





## Figure 39 - Percent of expenses with commissioned positions and functions in relation to total personnel expenses, per court.

# Figure 40 - Average monthly cost of the courts with judges and public employees, including benefits, charges, social security, per diems, tickets, judicial indemnities and other eventual and non-eventual indemnities









magistrates

Servants

## 4.3 CIVIL SERVICE STAFF NUMBERS

The staff numbers are presented on the basis of three categories: (a) magistrates, which covers judges, appellate judges, and ministers; b) public employees, including permanent staff, those requested and those assigned from other bodies belonging or not to the Judiciary structure, in addition to commissioned employees with no effective bond, excluding public employees of the permanent staff who are requested or assigned to other bodies and c) auxiliary workers, including third-party employees, interns, lay judges, conciliators, and volunteer collaborators.

In 2021, the Judiciary had a total of 424,911 people in its work force, of which 18,035 were judges (4.2%), 266.338 civil servants (62.7%), 66,052 third-party employees (15.5%), 55,646 interns (13.1%), and 18,840 conciliators, lay judges and volunteers (4.43%). Among the civil servants, 78.6% are assigned to the judicial area and 21.4% work in the administrative area. The diagram in Figure 41 shows the structure of the Judiciary's work force in relation to positions and instances.

In the State Courts there are 68.6% of the magistrates, 64.6% of the servants, and 78.8% of the cases in progress. In the Federal Court, there are 10.5% of magistrates, 10.6% of civil servants, and 13.2% of the cases in progress. In Labor Justice, 20% of the magistrates, 14.4% of the servants, and 6.7% of the cases (Figures 42 and 47).

Figure 43 shows that the Judiciary has a ratio of 8.5 magistrates per hundred thousand inhabitants, or, in other words, one magistrate for each group of 11,764 people. By way of comparison, in Europe this same ratio is one magistrate for 5,690 people, that is, in Brazil there are almost half as many judges per inhabitant as in European countries<sup>5</sup>. Regarding the participation of women in the Judiciary career, it is noted by the MPM<sup>6</sup> that 38% of the judges are female. In European countries, women already represent more than half of the Judiciary, 58.6%.

<sup>5</sup> Data available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Main\_Page. Accessed Aug/2022.

<sup>6</sup> Monthly Productivity Module Dashboard available at: https://paineis.cnj.jus.br/QvAJAXZfc/opendoc.htm?document=qvw\_l%-2FPainelCNJ.qvw&host=QVS%40neodimio03&anonymous=true&sheet=shPDPrincipal. Accessed August/2022.

### Figure 41 - Workforce diagram











At the end of 2021, there were **22,528 positions created by law, of which 18,035 were filled and 4,493 were vacant (19.9%)**, according to Figure 44. The percentage of vacant positions has remained somewhat balanced over the years, with some fluctuations, but since 2017 shows numbers around 20%. In 2021 there was a slight reduction.

Among the 18,035 magistrates, 76 are ministers (0.4%)<sup>7</sup>; 15,505 are first-degree judges (86%); 2,308 are appellate judges (13%); and 146 are substitute second degree judges (0.8%). There are 54 magistrates in the Superior Courts (8 in the TST, 11 in the TSE, and 35 in the STJ), and in the other courts, 342 judges are in the same situation. In all, 2.2% of the magistrates exercise administrative activity in the courts, away from their original jurisdiction.

In 2021, the numbers of existing, filled, and vacant positions remained close to those of the previous year, causing the percentage of vacant positions to decrease by 0.6 percentage points compared to 2020. The highest percentage of unfilled positions is in the State Military Justice and State Justice, with 25% (Figure 45). In the courts, the highest percentage of existing magistrates' positions that have not been filled is in the TJAC, with 68%. The Labor Court draws attention for presenting the opposite situation: only 8%.

The vacant positions are, for the most part, for judges - while in the second degree there are 109 positions for appellate judges created by law and not filled (4.3%), in the first degree there are 4,384 positions not filled (22%).

Considering the sum of all the days of absence, an average of 1,073 magistrates remained away from the jurisdiction during the entire 2021 fiscal year is obtained, representing an absenteeism of 5.9%. Such absences can occur due to leaves of absence, summons to higher instances, among other reasons. For this calculation, vacation and recess periods were not computed. The days before magistrates take office in 2021 are also deducted. This means that, on average, 16,962 magistrates actually worked in the jurisdiction throughout the year.

<sup>7</sup> Including the 33 Ministers of the STJ, the 27 Ministers of the TST, and the 16 Ministers of the STM.



#### Figure 44 - Historical series of magistrates positions











Figure 46 allows us to visualize the intersections existing in the jurisdiction of the magistrates. Of the 15,505 first degree judges, 13,748 work in the regular courts, of which 9,870 (71.8%) work exclusively, 2,808 (20.4%) accumulate functions in the special courts, and 1,070 (7.8%) work with the appeal courts. Exclusive judges in special courts are only 1,207, that is, 7.8% of the judges and 28.8% of those who work in the courts cumulatively or not (4,192), while 177 (4.2%) work in the appeal courts. Of those who exercise jurisdiction on appeal panels (1,620), 2.4% do so exclusively. In the Federal Court, 100% of the appeal court judges are exclusive, and in the State Court, only 11.3%, which reveals a great difference in the organization of the appeal system of the special courts, depending on the segment of justice.

### Figure 46 - Jurisdiction of magistrates



At the end of 2021, the Judiciary had a total of 266,338 public servants, among which 223,991 were permanent **employees**(84.1%), 20,473 were on request or assigned from other bodies (7.7%), and 21,809 were commissioned employees without permanent status (8.2%). Considering the total time away, approximately 11,281 employees (4.2%) remained away during the entire 2021 fiscal year. In the same way, the measurement of absences considers licenses, convocations to higher instances, among other reasons, including days that precede the investiture of public servants who will start working in 2021. Vacation and recess periods are not computed.

Of the total number of employees, 209,281 (78.6%) were in the judicial area and 57,057 (21.4%) in the administrative area. Among those who work directly with the processing of cases, 175,379 (83.8%) are in the first degree of jurisdiction (Figure 49), which concentrates 83.8% of the cases filed and 93.1% of the procedural backlog. It is important to note that CNJ Resolution No. 219, dated April 26, 2016, states that the administrative area should be composed of no more than 30% of the workforce. Figure 48 shows this distribution by court segment, in which it is possible to observe that this percentage is met in the State Courts, in the However, the State Military Courts exceed this degree. Although the Superior Courts and the Electoral Justice also exceed the 30% limit, it should be taken into consideration that Resolution CNJ No. 219/2016 does not

apply directly to these bodies, and the existence of administrative attributions existing in the electoral justice due to the organization of elections every two years.

Of the total number of permanent employees, we must inform the existence of 47,193 positions created by law and not yet filled, which represent 17.3% of the existing permanent positions. Figure 50 shows a large reduction in this percentage in 2018 and a subsequent increase in 2021.

About 66.5% of the existing positions are in the State Courts. The segment with the highest percentage of vacant positions is that of the State Military Justice, with 28%. The lowest is in Electoral Justice, with 2% (Figure 51).



## Figure 47 - Total number of servants per branch of justice







Figure 50 - Historical series of the permanent staff positions





Figure 51 - Percentage of vacant positions for civil servants, by branch of justice

In 2021, there was a reduction of 1,544 civil servants, 0.6%, and the number of magistrates remained practically stable, with only 3 more judges between the years 2020 and 2021. Considering the whole of the last decade, in these 13 years of the historical series, there was an accumulated growth in the number of public servants, by 17.1%, and in the number of magistrates, by 12.9%. The Judiciary also counts on the support of 140,538 auxiliary workers, hired mainly in the form of outsourcing (47%) and internship (39.6%), as can be seen in Figure 52. There was a decrease both in the number of third-party employees in 2021, by -7.43%, and in the number of interns, by 3.4%. In the period from 2009 to 2021, there was an increase in both forms of hiring, of 69.1% among third-party employees and 56.5% among interns.



#### Figure 52 - Auxiliary workforce

# **5 JUDICIAL MANAGEMENT**

In this chapter, the general data on procedural movement and litigiousness and the results of the main performance indicators per court segment are presented. The chapter is divided into three topics: 1) litigiousness, which shows the procedural flow of the justice system and the productivity indicators, performance and rates of appealability consolidated by court and by segment of justice; 2) policy of prioritization of the first degree, comparing the data of the first degree with those of the second degree of jurisdiction - considering as first degree the common justice, the special courts and the appeal courts and, including in the second degree the regional courts of uniformity of the federal justice; and 3) execution bottlenecks, which compares the stages of discovery and execution of the first degree.

It is important to clarify that all the procedural data that will be presented from this chapter onward have undergone profound transformation in the production and generation of statistics. Until the edition of Justice in Numbers 2021 (base-years 2009 to 2020), the data were fed into a manual data entry system by the courts. Therefore, the information was subject to error in glossary interpretation, calculation, and even typing. After intense work in the courts and building a solid, high-performance database within the CNJ, for the first time, this report is being produced with information from DataJud, instituted by Resolution CNJ No. 331/2020. This means that the information becomes more reliable and the Judiciary's statistical systems can make use of a single data source. Added to this is the fact that DataJud allows the extraction of data through various segmentation possibilities: by theme, situation, judging body, among others. The DataJud Statistics Panel, available at https://www.cnj.jus.br/datajud/panel-statistica, is an important tool that provides access to the information presented in this document, as well as other information not included here. For more details about the sanitation work, see **CNJ, Report on the Diagnosis of the Courts in the DataJud data sanitation activities, 2022**.

For the purposes of producing this report, the statistical data from the old Justice in Numbers system were considered for the procedural information until 2019, and the statistics from calculations and extractions made through DataJud for the years 2020 onwards. As such, some figures may differ from those presented in the previous year's edition. It should also be noted that the Statistics Dashboard is dynamic, with monthly updates, while this report is static and has data generated from the database that was consolidated in the month of June 2022.

Throughout these topics, the following indicators are exposed, per degree of jurisdiction and per phase (discovery and execution):

- New cases per magistrate: indicator that relates the total number of new cases in discovery and extrajudicial enforcement proceedings to the number of magistrates in office, not including judicial executions.
- ▶ New Cases per Servant: indicator that relates the total number of discovery and extrajudicial enforcement cases entered divided by the number of servants in the judicial area, excluding judicial executions.
- Workload per magistrate: this indicator calculates the average workload of each magistrate during the year 2021. It is given by the sum of the disposed cases, the cases pending, the internal appeals judged, the internal appeals pending, the incidents in execution judged and the incidents in execution pending. It is then divided by the number of active magistrates. It is worth clarifying that, in the workload, all processes are considered, including judicial executions<sup>8</sup>.
- ▶ Workload per Servant: same procedure as for the previous indicator, but divided by the number of servants in the judicial area.
- ▶ MPI (Magistrates Productivity Index): indicator that computes the average number of disposed cases of per active magistrate.
- ► SPI-Jud (Judicial Area Servants' Productivity Index): indicator that computes the average number of disposed cases of per judicial area servant.
- IAD (Index of Attendance to Demand): indicator that verifies if the court was able to dispose of cases at least in the same number as the number of new cases. Some international articles call it the clearance rate<sup>9</sup>. Ideally, this indicator should remain above 100% to avoid an increase in pending cases.
- Congestion Rate: indicator that measures the percentage of cases that remained pending solution at the end of the base year, in relation to the number of cases under way (sum of pending and dismissed cases). It should be noted that, of the entire collection, not all

<sup>8</sup> Unlike the new cases per magistrate, where only the extrajudicial executions and the new cases of discovery are computed

<sup>9 &</sup>quot;[...] clearance rate (ratio of cases disposed to cases filed)". DAKOLIAS, Maria. Court performance around the world: a comparative perspective. The World Bank, 1999.

processes can be disposed of in the same year, due to the existence of legal deadlines to be met, especially in cases where the process was initiated at the end of the base year.

- ▶ Internal appealability: indicator that computes the number of internal appeals filed, that is, those appeals that will be judged by the court that issued the appealed decision, in relation to the number of final decisions and sentences rendered.
- ▶ External appealability: indicator that computes the number of appeals forwarded from the first degreeto the courts, and from the courts to the higher courts, that is, those appeals that will be judged by a court other than the one that issued the appealed decision, in relation to the number of published judgments and decisions.

In the MPI, SPI-Jud, workload, new cases per magistrate and per server indicators, the sum of all days of absence are not considered in the calculation basis. In this way, the denominator uses the average number of magistrates and servants that remained active during the entire fiscal year of each reference year. It should be noted that this methodology came into effect in the base year 2015 and that, until 2014, only the absences of magistrates for more than six months were discounted in the calculation of the indicators. For the public servants, the number in effect at the end of each base year was used. These changes can impact the historical series and should be taken into consideration when reading the data.

## 5.1 **LITIGIOSITY**

The Judiciary ended the year 2021 with **77.3 million cases in progress**, awaiting a definitive solution. Of these, 15.3 million, or 19.8%, were suspended, or on provisional file, awaiting some future legal situation. Thus, disregarding these processes, there were 62 million lawsuits in progress at the end of 2021.

The year 2017 was marked by the first year in the historical series that saw a brake on the backlog, which had been growing since 2009 and remained relatively constant in 2017. In 2018, for the first time, there was a reduction in the volume of pending cases, a fact that was repeated for yet two more years, in 2019 and 2020, accumulating a reduction of \$3.6 million between 2017 and 2020. In 2021, with the resumption of part of in-person services as a result of the pandemic caused by covid-19, the collection returned to degrees close to those seen in 2019.

The historical series of net pending cases (pending cases excluding those suspended or in provisional file), in turn, has shown repeated declines, with decreases year by year since the indicator started to be measured. Over the years 2015-2021, net pendants accumulated reduc-

tion in the order of -7.8%. In 2021, on the contrary, there was a subtle increase, on the order of 0.2% (Figure 53).

Figure 59 shows that, with the exception of the Electoral Court, in all segments there was an increase in the number of cases in 2021 compared to 2020. In the State Courts, the growth was 1 million cases (1.7%) and, in the Federal Courts, 881,700 cases (9.5%).

During the year 2021, throughout the Judiciary, 27.7 million cases were entered and 26.9 million were disposed of. There was a 10.4% increase in new cases, with an 11.1% increase in solved cases. Both the demand for justice services and the volume of disposed cases in 2020 due to the pandemic year, and then went up again in 2021. The 2021 numbers, however, have not yet returned to pre-pandemic degrees, referring to the year 2019.

As for new cases, if we consider only the lawsuits effectively filed for the first time in 2021, not including cases on appeal and judicial executions (which result from the end of the discovery phase or the outcome of the appeal), we see that 19.1 million original lawsuits were filed in 2021, 10.3% more than the previous year (Figure 54).

The increase in the stock was even greater than the simple difference between the number of cases disposed of (26.9 million) and the number of cases brought in (27.7 million), due to the cases that were returned (pending cases) without appearing as new cases. These are situations in which the process, after the final discharge, receives a reactivation movement and is once again counted as a pending case. These hypotheses include the cases of annulled sentences in the higher instances; remittance and return of case records between courts due to issues related to jurisdiction; or the return of cases to the lower instance to await judgment on repetitive appeals or general repercussion, among other causes. In 2021 alone, 2.3 million cases were reactivated.

It is worth clarifying that, according to the glossary of Resolution CNJ No. 76/2009, processes are considered to be resolved:

- Remitted to other competent judicial bodies, provided they are attached to different courts;
- Referred to higher or lower instances;
- ► Filled definitively;
- ▶ In which there have been decisions that have become final and liquidation, compliance, or execution has begun.

Only one discharge is computed per case and per phase/instance (discovery or execution, first or second degree). The pending cases, in turn, are all those that have never been discharged, in each of the analyzed phases. Likewise, when counting the number of new cases, the entries in the phase/instance dimension are also considered on the date when the process begins for the first time. Thus, a case that begins the execution phase can be, at the same time, a new case of execution and a case that has been dropped from discovery. In sentences, on the contrary, all the judgments in the process are counted, even if they occur more than once in the same phase/instance.

For a better understanding of how the process count is done in DataJud, it is necessary to analyze the parameterization rules for each variable, available at: https://www.cnj.jus.br/siste-mas/datajud/parametrizacao/. The parameterization corresponds to the business rule that is applied, based on the classes, movements, and subjects of the Unified Procedural Tables (TPU)<sup>10</sup> of the CNJ, in order to identify whether or not that lawsuit is a new case, the procedural stages (discovery or execution) and the situation in which it finds itself. From the situation table, it is possible to see, for example, which procedural movements are used in counting a new case, a case that has been decided, a pending case, or a case that has been dropped.

The data per court segment (Figures 56 and 57) show that the overall result of the Judiciary almost directly reflects the performance of the State Courts, with 78.8% of the pending cases. The Federal Court concentrates 13.2% of the cases and the Labor Court, 6.7%. The other segments together accumulate 1.3% of the pending cases. The Electoral Justice shows seasonality of procedural movements, with highs especially in election years (2012, 2014, 2016, 2018, 2020), and more pronouncedly in municipal election years (2012, 2016, 2020). For these reasons, evaluation by justice segment is of utmost importance.

During 2021, 27 million cases were tried, with an increase of 2.7 million cases (11.3%) over 2020. There is also an accumulated growth of 12.1% in productivity in 13 years, even after the retraction suffered in 2020 (Figure 55). Judgments are considered to be judgments and final decisions in the second degree or higher courts.

The difference between the volume of pending cases and the volume entering each year is striking, as can be seen in Figure 59. In the State Courts, the stock is equivalent to 3.1 times the demand; in the Federal Courts, 2.3 times; in the Labor Courts, 1.8 times. In the State Military Justice, although in the years prior to 2019 the backlog was less than the demand, since 2020 the number of pending cases has grown and exceeded the new and dropped cases, having arrived, in 2021, with the stock equivalent to 1.2 times its demand. In the Superior Courts, the ratio is

<sup>10</sup> The Procedural Tables were instituted by Resolution CNJ No. 46/2008 and can be consulted at: https://www.cnj.jus.br/sgt.

also in the order of 1.2 (pending on a new case). In Electoral Justice, the result depends on the holding of elections, due to the seasonality inherent to its final activity.

This volume of backlog means that, even if there were no new claims and the productivity of the judges and public employees were maintained, it would take approximately 2 years and 10 months of work to clear the backlog. This indicator can be called "Collection Turnaround Time". The turnover time of the collection is calculated by the ratio between the pending and the resolved collections. In the State Courts, the result is 3 years and 2 months; in the Federal Courts, it is 2 years and 8 months; in the Labor Courts, it is 1 year and 10 months; in the State Military Courts, it is 1 year and 5 months; and in the Superior Courts, it is 1 year and 4 months, as can be seen in Figure 58.

The agencies with the longest turnover times are: TRF3 with 4 years and 10 months and TJSP with 4 years and 9 months, the only ones over four years. On the other hand, disregarding the electoral court, which as a rule has low values, the shortest turnover times are in the courts: STJ (8 months), TRT14, (9 months) TRT13 (11 months) and TRT3 (11 months), all under one year.



Figure 53 - Historical series of pending cases
















#### Figure 58 - Caseload turnover time, per court



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Figure 59 - Historical series of the procedural movement, per branch of justice.



#### Figure 60 - Historical series of judgments and decisions, by branch of justice.

## 5.1.1 ACCESS TO JUSTICE

This section deals with the population's demand for justice services and the courts' grants of free legal aid.

On average, for each group of one hundred thousand inhabitants, 11,339 filed a lawsuit in the year 2021, according to Figure 61. There was a 9.9% increase in the number of new cases per thousand inhabitants in 2021, compared to 2020. In this indicator, only the processes of discovery and execution of extrajudicial executive titles are computed, therefore excluding from the calculation base the judicial executions started.

The same data per court can be seen in Figure 63. The state of Minas Gerais, despite appearing as a great court in all segments (TJMG, TRT3 and TRE-MG), is, among the great ones, the one with the lowest demand per inhabitant, except in the case of TRE-MG, which ranks fourth. In the State Courts, it is curious to observe that the highest and the lowest demand per inhabitant is in the North Region, with the TJRO (15,972) being the most requested, and the TJPA (3,169) the least requested. In the labor courts, the rates vary from 501 (TRT16) to 1,905 (TRT2). In the Federal Courts, the only one with demand above the 2,500 cases per hundred thousand inhabitants degree is the TRF of the 4th Region, which covers the states in the Southern Region of the country.

Figure 62 relates the cases filed and that were granted free legal aid with the number of inhabitants. There is a decrease in the historical series in 2020, with the degree reached in 2021 being maintained, reaching 2,197 free legal aid filings per 100,000 inhabitants. The numbers are still far from the historical series when compared to the period before the pandemic. The information per court is shown in Figure 64.



Figure 61 - Historical series of the number of new cases per thousand inhabitants

Figure 62 - Historical series of the number of cases filed with free legal aid per hundred thousand inhabitants





Figure 63 - New cases per hundred thousand inhabitants, by court.





Figure 64 - Number of cases filed with free legal aid per hundred thousand inhabitants, per court

To obtain the index of cases that were granted Free Legal Aid (FLA), the ratio between the number of cases definitively closed with FLA divided by the total number of cases closed is calculated. Criminal actions and Special Court cases are removed from the calculation basis, in view of the absence of court costs and emoluments in these cases. The percentage of cases resolved with the benefit was 30% in the year 2021, and the percentage was up by 2.3 percentage points from the previous year (Figure 65).

Figure 66 displays the results by court. There is great variability in this data, and it is difficult for the courts and the CNJ to determine this information from DataJud. One of the existing hindrances is the lack of use of the specific movement of the decision for the free justice (code 797 - Granting of Free Justice), probably due to the fact that such definitions are in judicial decisions that deal with other aspects of the lawsuit, making it necessary to mark another movement code of the TPU that is more adherent to the main object of the judicial decision. Another problem is that, in the FLA identifier field in DataJud, the information is by grant or by request, not differentiating the cases, and also, without updating the field when there is a denial. Thus, the field that, although it is unique, encompasses two different situations (request and concession), making the result imprecise.

The historical series of the FLA award shows growth between the years 2015 to 2018, with a reduction two years later and a resumption of the growth curve in 2021. The index ranged from 27% in 2015 to 35.7% in 2018, and reached 29.7% in 2021.



Figure 65 - Historical series of the percentage of free justice cases definitively closed



Figure 66 - Percentage of free justice cases definitively dismissed by court

## 5.1.2 **PRODUCTIVITY INDICATORS**

In this topic, the Productivity Indexes and the workload for magistrates and servants in the judicial area are presented.

The Magistrates Productivity Index (MPI) and the Servants' Productivity Index (SPI-Jud) are calculated by the ratio between the volume of cases disposed of and the number of magistrates and servants that worked during the year in the jurisdiction. The workload indicates the number of pending and resolved proceedings in the year, including not only main cases but also internal appeals.

The MPI and the SPI-Jud varied positively in the last year, by 11.6% and 13.3%, respectively. The workloads have also grown. For the magistrates, the average caseload under their management

was 6,411 in 2021 (an increase of 11.6%). For those employees who working in the judicial area, there was an increase in the order of 6.4%, accumulating a load of 543 cases per person.

Figure 67 presents the historical series of the MPI. This indicator had been growing since 2014, reaching the highest value of the historical series in the year 2019. With the covid-19 pandemic and the reduction in the number of cases, there was a drop in 2020. Even with the recovery of the last year (2021), the current productivity resembles that constant at the beginning of the historical series, in 2009. The productivity is 1,588 disposed cases per magistrate in 2021, that is, an average of 6.3 cases solved per working day of the year, without discounting vacation and recess periods.

Figure 68 shows the magistrate's workload in its gross and net versions, that is, with and without the inclusion of suspended, on hold, or provisionally filed cases as part of the collection, respectively. Such cases total 15.3 million (19.8% of pending cases). As well as gross workload, net workload also grew (4%).

Figure 69 shows the historical series of the MPI and workload by justice segment in the same graph. The distance between the two lines is due to the counting of the backlog in the workload, which, depending on the justice segment, can be up to three times the flow of incoming and outgoing cases. The Electoral Justice presents the natural seasonality of this segment, with a reduction in productivity compared to 2020, but with an increase of 26.2% compared to the 2017-2021 quadrennium. In all other branches of justice, there was an increase in the productivity of the judges, with the exception of labor justice, which suffered a retraction of 41.8 cases tried per judge (-4.5%).

Figure 70 presents a breakdown of these indicators by court. The differences in productivity within each branch of justice are remarkable. In the State Courts, the highest productivity is in the TJRJ, with 2,939, while the lowest is in the TJAC, with 826, that is, a difference of 2,113 cases disposed of per magistrate. In the Federal Court, the variation between the most productive and least productive TRF is 1,284 cases (highest: TRF4, 2,880 and lowest: TRF1, 1,596). In Labor Justice there are also differences: the highest value was reached in TRT16: 1,223, and the lowest, in TRT11: 562. In the State Military Courts, only 73 cases are tried per magistrate per year, without significant differences among the three courts.



Figure 67 - Magistrates productivity index historical series

Figure 68 - Historical series of the magistrates workload





## Figure 69 - Historical series of the productivity index and workload for magistrates, by branch of justice.



Figure 70 - Magistrates productivity index, by court.

As far as the productivity indicators per server in the judicial area are concerned, during the year 2021 each server dropped, on average, 135 cases - an increase of 13.3% in productivity. The workload was 543 cases, including the backlog, internal appeals and incidents in execution. Even disregarding the pending cases, which were suspended or on hold or in provisional file, the servants' workload increased to 467.

According to Figure 73, the productivity per server increased by 15.1% in the State Courts, 20.4% in the Federal Courts, 54.4% in the Military Courts, and 9.7% in the Superior Courts. Considering the peculiarities of the Electoral Justice System, with municipal and presidential elections being held every two years in an intercalated manner, it does not make sense to analyze the annual variation of its indicators, but only every four-year cycle. In this regard, compared to 2017, productivity increased by 45.6%. The Labor Court, unlike the others, has suffered retraction, a fact that has been repeated since 2018, probably resulting from the labor reform of 2017, which brought significant changes to the Consolidation of Labor Laws, by Law No. 13,467/2017. In this sense, in the Regional Labor Courts, there is a reduction of 4%.

According to Figure 74, the highest productivity rates are in the following courts: in State Justice, TJES (277); in Federal Justice, TRF4 (265); in Labor Justice, TRT16 (172); and in Electoral Justice, TRE-MT (95). On the other hand, the lowest productivities are: in State Justice, TJAC (43); in Federal Justice, TRF1 (132); in Labor Justice, TRT21 (67) and in Electoral Justice, TRE-DF (3).



Figure 71 - Historic series of the productivity index of judicial public servants in the Judiciary

Figure 72 - Historical series of the workload for servants in the judicial area in the Judiciary





Figure 73 - Historical series of the productivity index and workload for servants in the judicial area, per branch of justice.



#### Figure 74 - Productivity index of the judicial area's civil servants, per court.

### 5.1.3 **PERFORMANCE INDICATORS**

this item, the performance indicators of the Judiciary are presented, including the rate of congestion and the Index of Attendance to Demand (IAD). The congestion charge measures

the percentage of cases that were held up without resolution, compared to the total number of cases processed in a one-year period. The higher the rate, the greater the court's difficulty in handling its backlog of cases. The net congestion rate, in turn, is calculated by removing the suspended, on hold or provisionally filed cases from the backlog. It should be noted that not all cases in progress are ready to be resolved. This is the case, for example, with criminal executions, which need to remain in the collection while the sentence is being served. The ADI, in turn, reflects the capacity of the courts to handle the volume of incoming cases. Figure 75 presents the historical series of the indicators, for the period from 2009 to 2021.

As shown in Figure 75, the Judiciary's congestion rate ranged from 70.6% in the year 2009 to 73.4% in 2016. From that year on, the rate gradually drops until it reaches the lowest rate of the historical series in 2019, with a rate of 68.7%. In 2020, due to the pandemic caused by covid-19, the rate went up again, and in 2021, there was already a reduction in the congestion rate in the order of 1.6 percentage points, ending the year with congestion measured at 74.2%.

The rate of congestion varies greatly among the courts (Figure 77). In the State Courts, with a congestion rate of 76.2%, the rates range from 51.5% (TJRR) to 82.6% (TJSP). In the Labor Courts, with a congestion rate of 63.9%, the rates start at 44.2% (TRT14) and reach 76.8% (TRT1), and in the Federal Courts, with 73.2% congestion, the lowest rate is in the TRF5 (62.8%) and the highest is in the TRF3 (82.8%).

As a rule, all segments of justice managed to reduce their congestion rates, with a drop of 1.8 percentage points in the State Courts, 2.3 percentage points in the Federal Courts and 8.9 percentage points in the Military Courts. The opposite situation occurred in Labor Justice, with an increase of 1.2 percentage points (Figure 76).

The net congestion rate is calculated excluding suspended, on hold or provisionally filed cases. In 2021, it was 69.7%, which is 4.4 percentage points less than the total rate (74.2%). The rate on the net rate has reduced somewhat more sharply than the gross rate, down 2 percentage points from 2020. The segments of Justice most impacted by the volume of suspended cases are the Federal Court, with a reduction in the gross to net congestion rate of 12.7 percentage points, and the Labor Court, with a reduction of 5.5 percentage points, as shown in Figures 76 and 77.

As for the Index of Attendance to Demand (IAD), the global indicator in the Judiciary reached 97.3% in 2021, contributing to an increase of 1.5 million cases. Only in Electoral Justice, which has seasonal behaviors, there was a reduction in IAD. In all other segments, the indexes were below the minimum degree desirable, which is 100%. The Labor Court had the best result, with a 99.6% decrease in new cases, with all 21 of the 24 TRTs registering rates above 100%. All the Electoral Justice courts also showed an indicator greater than 100%. In the State Courts, 11

of the 27 bodies failed to reach 100%. In the Federal Court, the Military Court and among the higher courts, no court ever disposed of more cases than it entered (Figure 78).



Figure 75 - Historical series of the congestion charge and index of attendance to demand



#### Figure 76 - Congestion rate and service to demand index historical series, per branch of justice

Gross Congestion Rate
Net Congestion Rate

128  $\,$  Justice in numbers 2022  $\,$ 



#### Figure 77 - Total and net congestion rate, per court.

Total congestion rate

Net Congestion Charge



#### Figure 78 - Index of Attendance to Demand, by court.





## 5.1.4 INTERNAL AND EXTERNAL APPEALABILITY

External appealability is calculated by the proportion between the number of appeals addressed to higher instance or instances with reviewing competence in relation to the body that issued the decision, and the number of appealable decisions of this nature. This includes, for example, appeals such as appeals, interlocutory appeals, special and extraordinary appeals.

The internal appealability, on the other hand, is given by the ratio between the number of appeals addressed to the same court that issued the appealed decision and the number of decisions rendered by it, during the calculation period. This index considers, for example, declaratory and infringing motions, internal appeals, and regimental appeals.

Exceptionally, for the external appealability numbers, the data sent by the courts through the Justice in Numbers system were still used, since the indicators were not calculated by DataJud. With the creation of the Technical Support Committee to support the systematization and standardization of the parameters of the National Judiciary Database (DataJud), established by Ordinance CNJ/SEP No. 9/2021, it is intended to discuss the rules for calculating the recurrence indicators, and thus implement the business rules defined based on DataJud.

The diagram shown in Figure 79 illustrates the workflow of the appeal system in the Judiciary. The circles correspond to the instances and tribunals that receive court cases. The lines and their respective arrows indicate the possible paths a process can take in the event of an appeal. In each instance/court, the number of new original cases and appeals is shown, as well as the percentages of internal and external appealability.

It can be seen that the higher the instance, the higher the rate of appealability, both external and internal. The Higher Courts end up dealing predominantly with appellate cases, which correspond to 86.6% of their workload. A similar situation occurs in the second degree. The Labor Court and the Federal Court correspond to the segments with the highest proportion of new second instance cases on appeal: 95.8% and 96%, respectively. In the State Courts, the proportion is 89.4%, in the Regional Electoral Courts, 83.4%, and in the Military Courts, 68.1%.

External recurrence rates tend to be higher between the second degree and the higher courts than between the first degree and the second degree. Six percent of the first degree decisions reach the second degree Courts, and 25% of the second degree decisions reach the higher courts. But the numbers vary significantly among the justice segments. The labor court is the only one to present an inverse behavior, since the appealability from the first to the second degree (53%) exceeds that of the second degree to the TST (42%). In both instances, this is the segment with the highest external recourse in the Judiciary.

The appealability of the special courts to the appeal courts is greater than that of the regular courts to the second degree, both in the State and Federal Courts. Of the decisions handed down in the JEFs, 17% reach the appeal courts, and of the decisions handed down in the federal courts, 13% reach the TRFs. In the State Courts, external appealability is 11% in the Special Courts and 4% in the state courts.



Figure 79 - Diagram of recurrence and procedural demand

The data presented in Figure 80 considers both internal appeals and those from the first degree to the second degree and from the second degree to the Superior Courts. It can be seen that there is oscillation in both historical series of recurrence, with an external recurrence rate of 8.2% in 2021 and an internal recurrence rate of 15.3%. Since 2020, internal recurrence outpaced external recurrence, which remained on the rise in 2021, while external recurrence, by contrast, decreased.

Figure 81 presents the recurrence indicators by justice segment, highlighting the external recurrence rate of the Labor Justice in the year 2021, with 49% for presenting the highest recurrence rate among the justice branches.

Figure 82 brings up the appealability rates by court and shows that there are large variations among the courts. TRT4 had the highest rate of external appealability in the Judiciary (60%), while TRT20 had the highest rate of internal appealability (36%).



Figure 80 - Historical series of the internal and external recurrence indexes



Figure 81 - Historical series of the internal and external recurrence indexes, per branch of justice

Internal Recorribility



Figure 82 - Indices of internal and external recurrence, by court.

## 5.2 NATIONAL POLICY TO PRIORITIZE THE FIRST DEGREE

EThis section aims to compare the results of the first degree<sup>11</sup> and the second degree based on the main performance indicators, segmented according to the size of each court, in an attempt to understand how the distribution of personnel per degree of jurisdiction occurs and also how this distribution affects the overall results.

The National Council of Justice instituted the National Policy for Priority Attention to the First Degree of Jurisdiction by Resolution CNJ No. 194, of May 26, 2014, with the objective of developing, on a permanent basis, initiatives aimed at improving the quality, speed, efficiency, efficacy, and effectiveness of the judicial services of the first instance of the Brazilian courts.

Along the same lines, the CNJ published, in the sequence, two other resolutions:

- CNJ Resolution No. 195 of June 3, 2014: determines that the distribution of the budget in the organs of the Judiciary of first and second degree is proportional to the demand and procedural backlog;
- CNJ Resolution No. 219, of April 26, 2016: determines that the distribution of public servants, commissioned posts and trust functions in the organs of the Judiciary of first and second degree is proportional to the demand and creates objective criteria for calculation of the paradigm staffing of judicial units.

In 2019, the CNJ launched the Policy Monitoring Panel, which allows monitoring the application of CNJ Resolution No. 219/2016 in a dynamic way, with data displayed by court. The Panel displays information about the number of public servants, the values of commissioned positions, and the values of commissioned functions that should be allocated to each degree of jurisdiction, in comparison with the current staffing in effect.

### 5.2.1 **DISTRIBUTION OF STAFF PER DEGREE OF JURISDICTION**

Articles 3 and 12 of Resolution CNJ No. 219/2016 determine that the total number of servants in the areas of direct support to judicial activity and the allocation of commissioned and of first and second degree positions of trust should be proportional to the average number of cases (new cases) distributed to each degree of jurisdiction in the last three-year period. Since July 1, 2017, proportional redistribution of the workforce among instances has become mandatory.

<sup>11</sup> In this section, the first degree is considered to be the sum of the trial courts, the special courts, and the appeal courts.

This item examines how positions and functions are distributed, comparing the percentages of the first degree of jurisdiction in relation to the percentages of the second degree in the following aspects number of servants in the judicial areas; new and ongoing cases; expenses incurred; commissioned positions and commissioned functions.

Figure 83 shows that the segments of State Justice and Military Justice have proportionally more servants assigned to the judicial area than the procedural demand in the first degree of jurisdiction, demonstrating a greater degree of compliance with Resolution CNJ No. 219/2016. In the Federal, Labor, and Electoral Courts, on the contrary, the proportion of public servants is lower than that of new cases in the first degree. As for commission positions, there is still a big difference in relation to procedural demand in all branches of justice. Commissioned positions also continue without parity, even if with some progress in relation to commissioned positions.

The Judiciary concentrates, in the first degree of jurisdiction, 93% of the procedural collection; 86% of the cases filed in the last three-year period; 85.2% of the civil servants assigned to the judicial area; 73% of the number of commissioned posts; 52% of the amounts paid to commissioned posts, 81% of the number of commissioned functions, and 58% of the amounts paid for the exercise of trust functions.

In 2016, when the Resolution was published, the first degree of the Judiciary had about 87.1% of the total number of cases filed and 84.9% of the total number of employees working in the judicial area in the first and second degree by 2021. In 2021, the proportion of servants at the first degree rose to 85.2%, while the three-year average of new cases decreased to 86% (Figure 84). Thus, there is still 0.7 percentage points left to achieve equivalence. Overall, there is some stagnation in the numbers, especially since the year 2018.

Detailed information by court is available on the Policy's panels, at: https:// paineis.cnj.jus.br/ QvAJAXZfc/opendoc.htm?document=qvw\_l%2FPainelCNJ. qvw&host=QVS%- 40neodimio03&anonymous=true&sheet=shPRIOArt3.





Figure 84 - Historical series of the percentage of public servants in the administrative area, of public servants in the judicial area and of positions and functions at the first degree



Positions and commissioned functions in the first degree

Article 11 of Resolution CNJ No. 219/2016 determines that the total number of servants in the areas of indirect support to judicial activity (administrative support) must correspond to a maximum of 30% of the total number of servants, The calculation basis should exclude employees working in the judicial and magistrature schools and in the information technology areas. Figure 85 shows that only the Military Court of the State of Minas Gerais and that of Rio Grande do Sul have more than 30% of their employees working in the administrative area. It is noteworthy that this criterion does not apply to the higher courts, since the Resolution aims at equivalence between the two first degrees of jurisdiction, nor does it apply to the Electoral Justice, due to its activity being predominantly administrative, and not jurisdictional, although the numbers are represented in the graph mentioned.

It can be observed in Figure 86 that the percentages of employees working in the first degree judicial area vary greatly among the courts. In Labor Justice the percentages go from 75% (TJTO) to 91% (TJPA). In Labor Justice, the variation is from 59% (TRT22) to 86% (TRT8).

As for the positions and commissioned functions assigned to the first degree (Figure 87), the percentages are lower, with only 14 courts showing a percentage above 86%.



#### Figure 85 - Percentage of servants in the administrative area by court







#### Figure 86 - Percentage of employees in the first degree judicial area, per court















# Figure 87 - Percentage of commissioned posts and commissioned functions at the first degree, per court

## 5.2.2 PRODUCTIVITY INDICATORS

The indicators of new cases per servant and per magistrate presented in Figures 88 to 91 do not consider the judicial executions started, according to the criteria of the CNJ Resolution No. 76/2009. The effect of the Prioritization Policy can be seen in these graphs. The new cases per server, which between the years 2009 and 2016 were lower in the second degree, practically equaled in 2017 and, for the first time, in 2018, the procedural demand per server assigned to the second degree exceeded the demand of the first degree. This means that progress has been made, but it cannot be concluded that there is full compliance with the policy (Figure 90).

The first degree of jurisdiction has the highest workloads per magistrate and per judicial employee. With regard to the indicators of new cases per magistrate and per employee, the opposite situation occurs: the indices of the second degree exceed, in 2021, those of the first degree, as shown in Figure 89. This situation stems from the weight of the acquis in the workload computation.

The number of new cases per magistrate in the second degree exceeds that of the first degree in 48 of 59 (81.4%) courts - excluding the electoral courts. The information varies widely by court, and in some cases there are differences of more than 100% between the degrees of jurisdiction (Figure 88). A similar situation occurs in the calculation of new cases per employee (Figure 91), where 39 courts have a higher indicator for second degree than for first degree.


#### Figure 88 - New cases per magistrate, according to court

426

379

370





Electoral

TRE-RJ 37

TRE-SP 13

TRE-RS 12

TRE-PR 12

TRE-MG 11

TRE-BA 7

**TRE-PR** 26

TRF-G0 25

TRE-RN 24

TRE-CE 21

TRE-PI 18

TRE-PA 14

TRE-MA 11

TRE-SC 9

TRE-AM 8

TRE-PE 3

TRE-RR 36

TRE-AL 32

TRE-SE 28

TRE-MT 26

TRE-AP 13

TRE-AC 12

TRE-MS 11

TRE-RO 9

TRE-TO 6 48 TRE-DF 2 13 TRE-DF 2

TRE-ES 6

Electoral 15

173

194

204

123

67 120

47

35

24

16

27

38

55

67

63

109

113

134

137

131

159

156

252







Figure 89 - Historical series of new cases per magistrate

Figure 90 - Historical series of new cases by judicial area employee





Figure 91 - New cases per judicial officer, per court.

About the magistrates workload, which considers the cases in progress and the internal appeals, there is more distance between the values, by degree of jurisdiction. According to Figure 93, the workload of the second degree is 4,038, equivalent to 60.1% of the workload of the first degree judges (6,722).

In the last year, the index has risen in the first and second degree, both in the gross and net versions. In the second degree, each year, the indicator has grown, registering an accumulated increase of 38.7% in 12 years. In the first degree, the numbers presented successive increases,

with There was a retraction in 2020 due to the pandemic caused by covid-19, but in 2021, growth resumed, going from 6,409 to 6,722 in the last year. A similar behavior is seen in the historical series of the workload for servants in the judicial area, Figure 94.

The data per court represented in Figure 92 and Figure 95 regarding the workload for magistrates and clerks, respectively, reveal the differences between the courts and between the segments of justice. In the state courts, the workload in the first degree is more than double that of the second degree. In the Federal Court, the opposite situation occurs, especially due to the data verified at the TRF of the 1st Region. In Labor Justice, although in total there is not such a significant difference, there are cases of both the first degree being higher than the second degree, and the opposite.



#### Figure 92 - Magistrates workload, per court and per degree of jurisdiction.



#### **State Military**

242 106	TJMSP TJMMG	271 263
93	TJMRS	164
147	State Military	230







Figure 93 - Magistrates workload history by degree of jurisdiction

Figure 94 - Judicial workload historical series by degree of jurisdiction





Figure 95 - Judiciary workload per court and per degree of jurisdiction.

In relation to the productivity indicators of the judges and servants in the judicial area, measured by the ratio between the total number of cases disposed and the total number of people working during the year, it is worth noting that the State, Labor and Federal Courts presented higher productivity in the second degree than in the first. Draws attention values such as the TJTO, with 3,605 cases transferred per appellate judge, while the ratio per first degree judge was 1,178. While there are diverse situations, such as the TJRJ, which has 3,507 cases transferred per first degree judge as opposed to 1,056 transferred per appellate judge (Figure 96).

Only the State Courts have higher productivity in the second degree, both in relation to the judges and the civil servants. In Labor Justice, the productivity per server is similar among the degrees of jurisdiction, but with quite heterogeneous results among the Regional Courts. In the Federal Courts, the TRF of the 4th Region stands out, reaching the highest index of the segment in both degrees of jurisdiction (Figure 99).

In the historical series, the productivity of judges and civil servants (MPI and SPI) rose in both instances (Figure 97), after the drop observed in 2020. In the first degree, the MPI increased by 10.8%, and in the second degree, by 16.1%. Another relevant highlight is that for the first time, there was an inversion of the first and second degree curves. Until the year 2019, the MPI and the SPI-Jud were higher in the first degree. In 2020, the numbers evened out, and by 2021, high school became more productive.



Figure 96 - Magistrates Productivity Index (MPI), by court and by degree of jurisdiction.



Figure 97 - Magistrates Productivity Index (MPI) historical series by degree of jurisdiction

Figure 98 - Judicial Area Servants Productivity Index (SPI-Jud) historical series by degree of jurisdiction





# Figure 99 - Judiciary Area Servants Productivity Index (SPI-Jud), by court and by degree of jurisdiction.

## 5.2.3 PERFORMANCE INDICATORS

Figure 101 shows the comparison of the Index of Attendance to Demand (IAD) between the first and second degree. It can be seen that only in the years 2012, 2013, and 2021 did the second degree indicator surpass the first degree indicator. In 2021, the IAD in the second degree was 110%, while in the first degree it was 95%. After 8 years, it was the first time that the IAD of the second degree was higher than that of the first degree. Another positive highlight is that the IAD of the second degree was higher than 100%, that is, the courts, on average, were able to drop more cases than the total distributed (ADI higher than 100%).

Figure 102 presents the comparative data for Congestion Rate, with significant differences between the two instances in both gross and net rate. In gross congestion, the difference between the instances is 24.5 percentage points and, in the net version, 22.9 percentage points. There was a drop in the congestion rate in 2021, both in the first and second degree, whether or not you count suspended/overcome cases (gross and net).

The second degree, with the best result, has a net congestion rate of 49% and an inventory of 1.2 times demand. In the first degree, the stock is equivalent to 3.1 times the number of new cases. In a hypothetical situation, without new demands and keeping the current productivity, it would take 1 year and 1 month to zero the stock of the second degree and 3 years and 4 months to zero the stock of the first degree (turnover time).

The analysis of the IAD, by justice segment and by court (Figure 100), shows that in 35 out of 63 (55.6%) courts (except for the Electoral Justice) the first degree ADI exceeds 100%. In the second degree, there are 33 (52.4%). In 20 bodies the ADI was higher than 100% in both degrees of jurisdiction: TJCE, TJDFT, TJES, TJGO, TJMG, TJMT, TRT10, TRT11, TRT12, TRT13, TRT14, TRT16, TRT17, TRT20, TRT22, TRT24, TRT6, TRT7, TRT8 and TRT9.

As for the Congestion Rate (Figure 100), it can be seen that, with the exception of the Electoral Justice, in all other segments the first degree rate surpassed the second degree rate, although in some courts the opposite happens.



#### Figure 100 - Index of Attendance to Demand (IAD), by court.

113%

93%

115%

112%

109% 107%

107%

106%

124%

124%

123%

110%

108%

107%

107%

106%

105%

102%

96%

105%

88%

90%

80%

74%



Electoral

3.435%

2.230%

1.850%

120% TRE-BA

118% TRE-MG

245% TRE-PR













#### Figure 103 - Congestion rate, per court.

## 5.2.4 INTERNAL AND EXTERNAL APPEALABILITY

Appealability in the Judiciary is more frequent in the second instance and in the Higher Courts, compared to the first instance. The internal recurrence of the second degree is up to 2 times more frequent than that of the first degree (Figure 105).

The motions for clarification brought in the first degree represent 12% of the decisions, being more applied in Labor Justice (15.8%). In the second degree, internal appeals are: appeals, interlocutory appeals, motions for clarification of judgment, pleas of unconstitutionality, and incidents of uniformity of jurisprudence. The internal appealability in the second degree significantly exceeds that of the first, accounting for 25% of the total in the Judiciary. The TRTs have the highest second-degree internal appealability, with a percentage of 29% (Figure 104).

Appeals from second degree decisions addressed to the Higher Courts (24.5% of the cases) correspond to 3.5 times the appealability identified in the first degree and addressed to the courts (7% of the cases), as shown in Figures 106 and 107. The internal recurrence rates in the first and second degree grew between the years 2016 and 2021. In external appeal, on the contrary, a reduction is observed in both instances from the year 2015 to the year 2021.



#### Figure 104 - Internal appealability, by court.



















#### Figure 107 - External appealability, by court.

## 5.3 IMPLEMENTATION BOTTLENECKS

This section is dedicated to the analysis of the processes in the execution phase, which constitute a large part of the cases in progress and the slowest stage, as will be seen below. The information presented here refers only to the first degree (ordinary courts and special courts).

The Judiciary had a backlog of 77 million pending cases at the end of 2021, of which more than half (53.3%) were in the execution phase.

Figures 108 and 109 show the historical series of new, pending, and dropped cases, differentiated between discovery and execution proceedings. The data show that, despite the fact that the Judiciary receives almost twice as many cases in discovery than in execution, the situation is reversed: execution is 38.4% higher. In enforcement, the curves of disposed cases of and new cases are almost parallel, with a small gap between them from 2009 to 2017, with disposals being slightly lower than demand. From 2019 to 2021, the values become almost equal, which shows advances in the productivity of execution in the last 3 years. In 2021, 458,000 fewer cases were dropped than the total number of new cases. As for discovery, the curves remained similar only until 2014, and then, from 2015 to 2019, there is a detachment, with an annual increase in productivity and a reduction in the number of new cases. In 2020, the curve of resolved cases at discovery phase becomes for the first time below the curve of new discovery cases, a fact that is repeated in 2021.

The pending cases in the execution phase showed a clear growth trend in the stock between the years 2009 and 2017 and remained almost stable until 2021(Figure 109). Pending cases in the discovery phase, on the other hand, fluctuate more, with an increase in the stock in 2015 and 2016 and a decrease between 2017 and 2021. Such reductions have culminated in a current stock at the same degrees as seven years ago.

Figure 110 presents the new, pending and dropped execution cases, including criminal judicial executions (for both custodial and non-custodial sentences), non-criminal judicial executions and executions of extrajudicial titles, separated into tax and non-tax.

Most of the execution processes are made up of tax executions, which represent 65% of the stock in execution. These cases are mainly responsible for the high rate of congestion in the Judiciary, representing approximately 35% of all pending cases and 90% congestion in 2021. It should be noted, however, that there are cases in which the Judiciary has exhausted the means provided by law and still no assets have been located that were capable of satisfying the credit, with the process remaining pending. Furthermore, the debts reach the Judiciary after all administrative means of collection have been exhausted, which makes recovery difficult. In this context, the analysis of the net and gross congestion rates is quite relevant, since at this stage

the process remains pending, with suspension status, no longer impacting the net congestion rate (without suspended or on hold proceedings or in provisional file).

The impact of execution is significant mainly in the State, Federal, and Labor Courts, corresponding, respectively, to 55.8%, 46.1%, and 47.8% of the total assets of each branch, as shown in Figure 111. In some courts, execution consumes more than 60% of the case load. This is the case of the following courts: TJDFT, TJMS, TJRJ, TJSC, TJSP in State Justice; and TRT10, TRT13, TRT14, TRT16, TRT19, TRT20, TRT21, TRT22, TRT7, TRT9 in Labor Justice. On the other hand, enforcement does not seem to be such a problem in some courts of the mentioned segments of justice, as in the following cases where the collection in enforcement represents less than 30% of the body's collection: TJPI (16%), TRT11 (24%), TJCE (27%), TJMA (27%), TJPB (30%).

Figure 112 shows the comparison of the congestion rate in execution and first degree discovery by court and branch of justice. It can be seen that the execution rate exceeds the discovery rate in most cases. The difference between the two rates is 17 percentage points, with a rate of 68.1% in discovery and 85% in execution.

The highest execution rate in each segment is in TJSP, with a congestion of 91.5% in execution and 72.8% in discovery; TRF3, with a congestion of 92.8% in execution and 75.3% in discovery; and TRT19, with a congestion of 85.1% in execution and 57.5% in discovery.







Figure 109 - Historical series of pending cases in the discovery and execution phases

### Figure 110 - Judiciary Procedural Data

Hig	her Courts		631.381 696 868	812.273						
2nd Degree  4.142.215    3.775.342			4.4	39.26	3					
			472.010							
Appeals Courts 942.534			1.089.279							
Re	gional Uniformization P	anels	303.213	233.420						
			Disco	overy						
<u></u>			1.633.255							
Crit	ninai		1.513.018	4.	894.4	95				
Nor	n-criminal	12.331.576 13.013.089						24.863	3.494	
Tot	al Discovery	13.964.831 14.526.107		4.22	25.38	4			29.757.988	
			Exec	ution						
Extrajudicial	Tax enforcement		3.093.316 3.274.696	7.085.903			26.808.831			
	Non-tax execution		727.780 806.348	3.639.889						
	Total Extrajudicial enforce	ement	3.821.096 4.081.044	7.085.903				30.448.720		
Judicial	Custodial Sentence		102.055 158.747	1.357.50	5					
	Non-custodial sentence		110.093 283.102	903.130						
	Non-criminal		3.212.007 3.180.776		8.	474.374				
	Total Judicial Execution	n	3.424.119 3.622.488			10.734.5	73			
To	tal Execution	7.: 7.7	245.215			10.157.58	3			41.183.293
				Resolved c	ases		New cases		Pendants	Suspended



#### Figure 111 - Percentage of pending execution cases in relation to total caseload, by court.



Electoral



Figure 112 - Congestion rate in the enforcement and discovery phases, in the first instance, per court.

Breaking down the congestion rates in first degree discovery and execution, it appears that, among the segmentations presented in Table 8, the congestion rate in the non-criminal discovery phase (civil cases, infractions, family, business, etc.) is the one with the least congestion - it should be noted that this is also the one with the highest demand. At tax execution has the

second highest rate of congestion and, for this reason, the next section details the data of the processes of this nature.

It is important to clarify that the rate of congestion in penal execution must be read with caution, because the high values achieved do not characterize low efficiency of the Judiciary; they only mean that executions are being carried out, since, while the sentence of the convict is being executed, the process must remain in the collection. Thus, the congestion rate of this phase cannot be evaluated as a performance indicator. It is also worth mentioning that the number of cases under execution differs from the total number of prisoners, since the same individual can be a defendant in more than one case, just as the same case can have more than one defendant in jail.

Classification	Congestion Rate
Criminal Discovery	75%
Non-Criminal Discovery	66,8%
Total Discovery	68,1%
Tax Enforcement	89,7%
Execution of Non-Tax Extrajudicial Title	87,9%
Non-Criminal Court Execution	72,5%
Non-Privative Penal Execution	30,1%
Criminal Enforcement	93%
Total Execution	85%
Overall Total	74,2%

Tabela 8: Congestion rate by type of lawsuit, year 2021

### 5.3.1 TAX EXECUTIONS

Historically, tax executions have been pointed out as the main slowing factor in the Judiciary. The tax execution process reaches the Judiciary after attempts to recover the tax credit are frustrated in the administrative process, leading to its registration as an active debt. In this way, the judicial process ends up repeating steps and measures to locate the debtor or assets capable of satisfying the tax credit that have already been adopted, without success, by the tax authorities or the professional inspection council. They end up reaching the Judiciary with old debt titles or with previous collection attempts and, consequently, with a lower probability of recovery.

Tax execution proceedings represent, approximately, 35% of all pending cases and 65% of the pending executions in the Judiciary, with a congestion rate of 90%. In other words, out of every 100 tax execution cases that were processed in the year 2021, only 10 were dismissed. Disregarding these cases, the Judiciary's congestion rate would drop by 6.3 percentage points, from 74.2% to 67.9% in 2021.

The greatest impact of tax executions is in the State Courts, which concentrate 86% of the cases. Federal Justice accounts for 14%; Labor Justice for 0.2%; and Electoral Justice for only 0.01%.

Likewise, the impact of these cases on the collections is more significant in the State and Federal Courts. In the Federal Court, tax execution suits correspond to 42% of its total first degree collection (cognition and execution); in the State Court, 39%; in the Labor Court, 1%; and in the Electoral Court, 1%.

According to Figure 113, of the total 26.8 million pending tax executions: 12 million (44.8%) are in the Court of Justice of the State of São Paulo ; 4 million (14.9%) are in the Court of Justice of the State of Rio de Janeiro; and 1.7 million (6.4%) are in the Federal Regional Court of the 3rd Region (SP/MT). Together, these three courts hold 66% of the tax executions in progress in the country and 25% of the total number of cases in progress in the first degree of the Judiciary.

In percentage numbers, it can be seen that although tax executions represent about 39% of the first degree collection in the State Courts, it can be seen in Figure 114 that only three courts have a percentage above this average: TJRJ (58%); TJSP (57%); and TJDFT (44%). In the Federal Court, only the TRF3 (54%) has a higher percentage of tax execution collections than the average of its segment.

From Figure 115 it is possible to identify that the 1.7% increase in pending executions is largely due to the increase in judicial executions, which registered a 9% increase in the last year, with tax executions remaining stable practically throughout the period), with a subtle 0.8% growth. New tax execution cases grew in 2021 by 39.4% compared to 2020, returning to a degree close to that seen in the years before the pandemic. Thus, the tax execution congestion rate changed little in the last year, with growth of only 0.6 percentage point, culminating in 89.7% in 2021 (Figure 115) (Figure 116). It is interesting to note the negative impact that tax execution has on congestion rates. If these processes were excluded, and even maintaining all the other judicial executions, the Judiciary's congestion rate would be 67.9%, instead of the current 74.2% (Figure 116).

The highest tax execution congestion rate is in the Federal Court (93%), followed by the State Court (89%) and Labor Court (89%). The lowest is the Electoral Justice (86%), as can be seen in Figure 117. The turnover time of the collection of these processes is 8 years and 8 months,

that is, even if the Judiciary stopped receiving new tax executions, it would still take all this time to settle the existing collection.





1.000 3.000 5.000

TRT22

2 401 0









Figure 115 - Historic series of the impact of tax execution on new and pending cases

Figure 116 - Historical series of the impact of tax execution on the total congestion rate





Figure 117 - Congestion rate in tax execution, per court.

The average time for tax foreclosure proceedings filed in the Judiciary is 6 years and 11 months. It can be seen in Figure 118, that there was a small reduction in the write-off time compared to the previous year, with a significant decrease when compared to 2018, the peak of the historical series, in which the average time was 9 years and 1 month.

When disregarding the tax execution proceedings, the average processing time of the proceedings dropped in the execution phase would go from 3 years and 8 months to 1 year and 10 months in the year 2021 (Figure 118). There was a slight increase in the processing time of executions, when tax executions are not considered.

The federal courts have the longest throughput times for tax execution proceedings, an average of 9 years and 10 months (Figure 119). The State Courts take an average of 6 years and 7 months to resolved a tax execution case, while the Labor Courts take 8 years and 6 months. In Electoral Justice, the average duration is 5 years and 9 months.







#### Figure 119 - Total duration of tax foreclosure proceedings, by court.







## 5.3.2 PRODUCTIVITY INDEXES IN THE DISCOVERY AND EXECUTION PHASES

This topic is aimed at comparing productivity indicators between the learning and execution phases in the first degree, considering only the trial courts and the special courts, excluding the appeal courts.

Since the same magistrate may work on the process in both the discovery and execution phases, it is not possible to calculate the real productivity in each phase. The productivity in the learning phase corresponds to the total number of disposed cases of in this phase in relation to the total number of first degree magistrates; and the productivity in the execution phase refers to the number of disposed cases of in this phase in relation to the same first degree magistrates. Thus, the total indicator will always correspond to the sum of the two phases.

The number of disposed cases of is always higher in the discovery phase than in the execution phase, both in the historical series (Figure 121) and by court (Figure 120). The MPI and SPI-Jud in the learning phase are almost double the value of these indicators in the execution phase. Only three present the opposite situation, with higher productivity of judges and court clerks in the execution phase: TJAL, TJPE and TRT22 (Figures 120 and 123, respectively).

The historical series of the MPI and SPI-Jud, respectively represented in Figures 121 and 122, show that there was an increase in productivity, both in the discovery and execution phases.

## Figure 120 - Magistrates productivity rate in the discovery and execution phases, in the first degree, per court.





Figure 121 - Magistrates productivity index historical series (MPI)

Figure 122 - Historical series of the productivity index of the servants of the judicial area (SPI-Jud)












#### 5.3.3 PERFORMANCE INDICATORS IN THE DISCOVERY AND EXECUTION PHASES

This topic compares the performance indicators between the stages of discovery and execution in the first degree, considering the Congestion Rate and the Index of Attendance to Demand (IAD).

Figure 124 shows that the index of attendance to demand in the discovery phase was over 100% throughout the historical series from 2009 to 2019 and decreased significantly in the two subsequent years, 2020 and 2021, and then remained below the minimum desired degree of 100% in 2020. Besides this, the IAD in discovery, which historically was higher than the IAD in execution, is now at the same degree, with 96% in discovery and 94.1% in execution. This factor led to an increase in the number of pending cases in the discovery and execution phases, since the number of disposed cases of was lower than the number of new cases in both phases.

The indicators per court can be seen in Figure 125. And although, in consolidated terms, the ADI in discovery was below 100%, in the State Courts the indicator reached such a degree, with thirteen of the 27 courts surpassing 100%. This was especially true among the medium and great courts. The Labor Justice and Federal Justice presented positive results in execution, with ADI at 108% in the Labor Justice and 129% in the Federal Justice In this group, only three agencies presented execution ADI lower than 100%. They are: TRT1, TRT15 and TRT2.



Figure 124 - Historical series of the index of attendance to demand



## Figure 125 - Index of Satisfaction to the Demand in the Execution and Discovery Phases in the First Degree by Court.

The historical series of the congestion rate presented in Figure 126 points to relatively stable values in execution over the years. In discovery, on the contrary, after the index rises in 2020, it will fall again in 2021. Disregarding execution proceedings, the rate of congestion in the first degree of the Judiciary would fall from the current 76% to 68%. If we also remove the suspended, on hold and provisionally filed cases, the net congestion rate would reach 65% in the discovery phase.

In all segments of justice, the congestion rate in the execution phase exceeds that of the discovery phase, with a difference that reaches 17 percentage points in total and varies greatly by court. Disregarding the Electoral Justice and the State Military Justice, the biggest difference is 37 percentage points, in the TJDFT. Only three courts present an inverse situation, with more congestion in discovery: TJAL, TJPE and TJRR.



#### Figure 126 - Historical series of the congestion charge









Execution Discovery

Figure 127 - Congestion rate in the execution and discovery phases, in the first degree, per court.

# 6 ELECTRONIC PROCESS INDEX

For the first time in the Justice in Numbers report there is a chapter on the rate of electronic processes. In addition to the indicator of the percentage of cases entered electronically, the percentages of pending and disposed cases in electronic processing systems will also be presented.

The degree of computerization of the courts is calculated from the percentage of electronic cases in relation to the total number of cases. Until the edition of the Justice in Numbers 2021 Report, in which the numbers were provided in aggregate form by court, only new cases were calculated, and judicial executions were excluded. However, with the implementation of DataJud and the preparation of this report, based on this database, given the existence of electronic systems for the execution phase, such as the SEEU (Unified Electronic Execution System), we began to consider all of the executions elucidated here. In addition, from DataJud, it was possible to calculate not only the percentage of new electronic cases but also the percentages of pending and dismissed cases.

The percentage of cases that enter the Judiciary electronically has grown linearly, in a steep curve, since 2012. In the historical series presented in Figure 129, it is possible to see that the curve of the first degree is above that of the second degree throughout the period, with the indicators becoming closer in 2021 due to the great evolution in the virtualization of second degree processes. The detailed evaluation by court and instance is shown in Figure 132.

### 6.1 NEW ELECTRONIC CASES

During the year 2021, only 2.8% of all new cases were physically entered. In just one year, 27 million new electronic cases came in (Figure 128). Not all of these proceedings are in PJe, because CNJ Resolution No. 185/2013, which established PJe, opened the possibility of using another electronic processing system in case of approval of a requirement proposed by the court in plenary session. The requirement, in the case of authorization, is that the courts adopt the National Interoperability Model (MNI).

In the 13 years covered by the historical series, 182.7 million new cases were filed with the Judiciary in electronic format. The growth curve of the percentage is notorious of new electronic cases, and in the last year the increase was 1 percentage point. The percentage of adhesion already reaches 97.2%. The separate historical series by degree of jurisdiction represented in Figure 129 shows that historically the first degree was pioneer in deployment compared to the second degree, however, since 2020, the curves have evened out, and both jurisdictions already have a high rate of virtualization, with 97.1% in the first degree and 96.7% in the second degree.

The Federal, Electoral, and Labor Courts stand out for presenting a 100% rate of virtualization of new cases, as can be seen in Figure 131. In the Electoral Justice, in 2017, the PJe began to be adopted, at the time still restricted to a few courts, but quickly became used by all Regional Electoral Courts and TSE, reaching 100% digitization in 2020 (Figure 130). The State Military Justice started the implementation of the Electronic Judicial Process (PJe) at the end of 2014, but the Military Justice Court of São Paulo is the only one that still does not present an indicator, with 100% of the processes entered electronically (65%). The State Courts, on the other hand, present 96% of new electronic cases, and only the Courts of Espírito Santo and Minas Gerais present an indicator lower than 90%, with, respectively, 60% and 84.2% of cases filed electronically.

In Figure 132 you can see the data both by court and by degree of jurisdiction. It is interesting to note that the aforementioned courts that still have the lowest virtualization rates (TJES, TJMG, and TJMSP) repeat this result for both instances.



Figure 128 - Historical series of the percentage of electronic processes



Figure 129 - Historical series of the index of new electronic cases by degree of jurisdiction



#### Figure 130 - Historical series of the percentage of electronic cases, per branch of justice













#### Figure 132 - Index of new electronic cases, by court and degree of jurisdiction.

Electoral							
100%	TRE-RJ 100						
100%	TRE-PR 100						
100%	TRE-MG 100						
100%	TRE-BA 100						
100%	TRE-RS 100						
100%	TRE-SP 100						
100%	TRE-SC 100						
100%	TRE-RN 100						
100%	TRE-PI 100						
100%	TRE-PE 100						
100%	TRE-PA 100						
100%	TRE-GO 100						
100%	TRE-CE 100						
100%	TRE-AM 100						
100%	TRE-PB 100						
100%	TRE-MA 99%						
100%	TRE-TO 100						
100%	TRE-SE 100						
99%	TRE-RR 100						
100%	TRE-RO 100						
100%	TRE-MT 100						
100%	TRE-MS 100						
100%	TRE-ES 100						
100%	TRE-DF 100						
100%	TRE-AL 100						
100%	TRE-AC 100						
100%	TRE-AP 99%						
100%	Electoral 100						

Labor							
100%		TRT3		1009			
100%		TRT2		1009			
100%		TRT15		1009			
100%		TRT4		1009			
100%		TRT1		1009			
100%		TRT9		1009			
100%		TRT8		1009			
100%		TRT7		1009			
100%		TRT6		1009			
100%		TRT18		1009			
100%		TRT12		1009			
100%		TRT10		1009			
100%		TRT5		1009			
100%		TRT24		1009			
100%		TRT23		1009			
100%		TRT22		1009			
100%		TRT21		1009			
100%		TRT20		1009			
100%		TRT19		1009			
100%		TRT17		1009			
100%		TRT16		1009			
100%		TRT14		1009			
100%		TRT13		1009			
100%		TRT11		1009			
100%		Labor		1009			







2nd Degree 📃 1st Degree

97%

97%

### 6.2 PENDING ELECTRONIC PROCESSES

Resolution CNJ No. 420, of September 29, 2021, established a schedule for all agencies of the Judiciary to digitize their physical procedural holdings so that they can be processed through electronic systems. The rule also prohibited new physical cases from being filed after March 2022. Thus, according to the provisions of Article 3, the courts have the following deadlines for completion of digitization:

- I By 12/31/2022, in the courts that, on September 30, 2021, have a physical collection of less than 5% (five percent) of the total number of pending cases;
- II By 12/31/2023, in the courts that, on September 30, 2021, have a physical collection of more than 5% (five percent) and less than 20% (twenty percent) of the total number of pending cases;
- III Until 12/31/2024, in the courts that, on September 30, 2021, have physical assets higher than 20% (twenty percent) and lower than 40% (forty percent) of the total number of pending cases; and
- IV By 12/31/2025, in the courts that, on September 30, 2021, have a physical collection that exceeds 40% (forty percent) of the total number of pending cases;

Figures 133 and 134 show that 80.8% of the cases in progress were electronic by the end of 2021, with indicators of 86% in the second degree, 80.2% in the first degree, and 100% in the Superior Courts. The Electoral and Labor Courts stand out for presenting several courts with 100% electronic processes both in the first and second degrees. On the other hand, the Court of Justice of the State of Espírito Santo (34.6%) and the Court of Military Justice of São Paulo (34.5%) presented the lowest percentages of computerization.



#### Figure 133 - Percentage of pending electronic cases, per court.









#### Figure 134 - Percentage of pending electronic cases, by court and degree of jurisdiction.



Electoral

TRF-MG

100%

In Figure 135, a comparison between the processing time of physical and electronic records is presented for the first time. It is worth noting the impact on procedural speed in the electronic processing of 3 years and 4 months, which represents almost a third of the time taken to process physical cases (9 years and 9 months). The comparison becomes even more interesting when made in courts with a higher volume of physical records, so that the average is not overly influenced by a tiny number of cases being processed. Thus, even in agencies with a higher proportion of physical cases, the differences in processing times are notorious, as in: TJMG (physical - 6 years and 4 months and electronic - 1 year and 9 months); and TJES (physical - 4 years and 10 months and electronic 1 year and 9 months).















Figure 135 - Average processing time of electronic procedures and pending paper-based procedures per court.

### 6.3 ELECTRONIC PROCESSES DISPOSED

In relation to the electronic cases disposed of, represented in Figures 136 and 137, it can be seen that the rate of virtualization at the time of the disposition was higher than that of the collection and lower than that of new cases, with 89.1% of electronic cases disposed of in the year 2021. The second degree showed a rate of 93.8%, the first degree 87.9%, and the Superior Courts 100%. The Labor Justice System stands out for presenting almost all courts with 100% of cases electronically resolved both in the first and second degree. In spite of the State Courts presenting 85% of cases electronically resolved, the Court of Justice of the State of Espírito Santo presented an indicator of only 3.5% in the second degree and 35.7% in the first degree. The percentage of electronically disposed cases that is higher than the percentage of those pending electronically denotes the efficiency that results from the digitalization of the processes, which has allowed these cases to have a greater representativeness in the definitive resolution of the lawsuits in progress.













#### Figure 137 - Percentage of electronic cases disposed of, by court and degree of jurisdiction.



Labor						
100%	TRT2	2	100%			
100%	TRT1	15	100%			
100%	TRT	1	100%			
99%	TRT3	3	100%			
100%	TRT4	4	99%			
100%	TRTS	9	100%			
100%	TRT	7	100%			
100%	TRTE	6	100%			
100%	TRT1	18	100%			
100%	TRT1	12	100%			
100%	TRT1	10	100%			
99%	TRTE	8	99%			
99%	TRTS	5	99%			
100%	TRT2	23	100%			
100%	TRT2	22	100%			
100%	TRT2	20	100%			
100%	TRT1	19	100%			
100%	TRT1	17	100%			
100%	TRT1	16	100%			
100%	TRT1	13	100%			
100%	TRT1	11	100%			
100%	TRT2	21	100%			
100%	TRT2	24	100%			
100%	TRT1	14	100%			
100%	Labo	or	100%			

Federal 100% 100% TRF2 100% TRF4 100% 99% TRF5 100% 86% TRF1 97% 96% TRF3 97% 95% 99% Federal





According to Figure 138, the cases that were resolved in 2021 had an average processing time of 1 year and 10 months in electronic cases and 6 years and 6 months. Even in agencies with a higher number of disposals on physical records, the differences with regard to the form of processing are significant. For example, the following courts stand out:

- ▶ TJES: average time of electronic process 1 year and 6 months, average time of physical process 3 years and 5 months, and 32% electronically resolved;
- ▶ TJMG: average time of electronic process 1 year and 3 months, average time of physical process 4 years and 3 months, and 60% electronically resolved;
- ▶ TJPA: average time of electronic process 2 years and 2 months, average time of physical process 7 years and 3 months, and 68% electronically resolved;
- ▶ TJRS: average time of electronic process 1 year and 3 months, average time of physical process 4 years and 4 months, and 66% electronically resolved.













State Military







# 7 CONCILIATION INDEX

The Conciliation Index is given by the percentage of sentences and decisions resolved by homologation of agreement in relation to the total of sentences and final decisions rendered. Conciliation is a policy adopted by CNJ since 2006, with the implementation of the Conciliation Movement in August of that year. Every year, the Council promotes the National Conciliation Weeks, when courts are encouraged to bring the parties together and promote agreements in the pre-procedural and procedural phases. Through Resolution CNJ No. 125/2010, the Judicial Centers for Conflict Resolution and Citizenship (Cejuscs) were created, classified as judicial units, and the Permanent Centers for Consensual Settlement of Conflicts (Nupemec), which aim to strengthen and structure units designed to handle conciliation cases.

In the State Courts, there were, by the end of 2021, a total of 1,476 CEJUSCs installed. Figure 140 indicates the number of CEJUSCs in each Court of Justice. This number has been growing year after year. In 2014, there were 362 CEJUSCs, in 2015 the structure grew by 80.7% and advanced to 654 centers. In 2016, the number of units increased to 808, in 2017 to 982, and in 2018 to1,088.

Figure 139 shows the percentage of final decisions and sentences handed down by agreement, compared to the total number of final decisions and sentences handed down. In 2021, there were 11.9% homologating agreement sentences handed down, a figure that grew in relation to the previous year, although it has not yet returned to the degrees that were seen before the pandemic caused by covid-19. In the execution phase, homologating sentences of agreement corresponded, in 2021, to 8.1%. The growth curve is notable, having doubled in value over the historical series, with an increase of 4.6 percentage points between the years 2015 and 2021. This result may result from the CNJ's incentive to carry out conciliation in the execution phase, having been a highlight in the XVI National Conciliation Week held (year 2021). In the discovery phase, conciliation was 17.4%, slightly higher (0.8 percentage point) than in 2020.

There were no significant variations in the conciliation indicator in the second and first degrees in relation to the previous year, with an increase of 0.1 percentage point in the second degree and an increase of 0.9 percentage point in the first degree.

It is worth noting that even with the new Civil Procedure Code (CPC), which came into effect in March 2016 and made it mandatory to hold a prior conciliation and mediation hearing, in four years the number of In four years, the number of sentences homologating agreement grew by only 4.2%, from 2,987,623 homologating agreement sentences in 2015 to 3,114,462 in 2021. In relation to the previous year, there was an increase of 539,898 homologating sentences of agreement (21%). The reduction seen in 2020, with a gradual pickup in 2021, possibly stems from the covid-19 pandemic, which may have made it difficult to conduct conciliation and mediation proceedings in person, or the usual techniques for building trust and a spirit of cooperation between procedural parties employed in face-to-face hearings.



#### Figure 139 - Historical series of the Conciliation Index





According to Figure 141, the Labor Justice System is the one that does most conciliation, which solved 21% of its cases by agreement - a figure that increases to 33% when only the first degree of discovery phase is considered. TRT18 had the highest conciliation rate in the Judiciary, with 28% of sentences homologating agreement. When considering only the discovery phase of the first degree, the highest percentage is verified in TRT6, with 47%.

In the first degree, the conciliation was 13.9%. In the second degree, conciliation is practically nonexistent (0.9%), presenting very low rates in all segments of justice (Figure 142). The only courts that achieved more than 3% conciliation in the second degree were: TRT12 (3.2%), TRT13 (5.4%), and TRT24 (6.6%).

The homologating sentences of agreement represented, in 2021, only 0.9% of the total number of cases tried. The court with the highest rate of agreements in the second degree is TRT24, with 6.6%.

Figure 143 presents the conciliation indicator by court, distinguishing between the discovery and execution phases. The greatest differences between the phases are observed in Labor Justice, which has 33% in discovery and 12% in execution, that is, a difference of 20.5 percentage points. In the State Courts, the rates are 16% in discovery and 7% in execution. In the Federal Court, the conciliation in the discovery phase was 13%, and in the execution phase was 9%. Only six courts have higher conciliation rates in execution than in discovery. They are: TJAM, TJAP, TJGO, TJMT, TJRS and TRF5.

Figures 144 and 145 show the conciliation rates of the State and Federal Courts, in the first degree of jurisdiction, in the discovery and execution phases, separating the common court cases from the special courts.

In the trial court phase of the special courts, the conciliation rate was 19%, being 20% in the State Courts and 16% in the Federal Courts. The execution of the Special Federal Courts (JEFs) is where the best results are, with 24% of conciliation, especially as a result of the numbers found in the TRF 5th Region. In the Federal Court, conciliations occur predominantly in the JEFs. In the State Courts, although conciliation prevails in the courts, in some courts the numbers are similar to those verified in the regular courts, sometimes even surpassing the conciliation of the courts.



#### Figure 141 - Conciliation rate, by court.







#### Figure 142 - Conciliation rate by degree of jurisdiction, per court.



Federal 1,3% TRF1 18,7% 0,1% TRF5 12,1% 0,8% 9,3% TRF4 0,1% 4,8% TRF2 0,9% 4,7% TRF3 0,8% 10,9% TRF

second degree 📃 first degree









## Figure 143 - Conciliation rate in the execution phase and in the learning phase, in the first degree, per court.



## Figure 144 - Conciliation rate in the first degree judicial phase in the regular and special courts, by court.





# 8 CASE PROCESSING TIMES

The case processing times are presented from three indicators: the average time from initial to sentence, the average time from initial to dispose, and the average duration of cases that were still pending on 12/31/2021.

The diagram presented in Figure 147 shows the time in each phase of the process and in each instance of the Judiciary. Note that not all processes follow the same trajectory, and therefore the times cannot be added up. For example, some cases start in the first degree and are finalized in this same instance. Others appeal to the last possible instance. Some processes end in the discovery phase, others proceed to the execution phase.

In general, the average time for the backlog (pending cases) is longer than the time for discharge. The largest ranges of duration are concentrated in the time of the pending process, specifically in the execution phase in the Federal Court (8 years and 6 months) and the State Court (5 years and 9 months). Criminal executions were excluded from the calculation, since the processes of this type are kept in the collection until the sentences are served.



#### Figure 147 - Diagram of the Case Processing Time



Figure 148 shows the historical series of the average case duration time. It can be observed that the average times from initial to dispose, to sentence, and the time of the pending case remained constant in the last year, and the time of the execution and of the disposed cases reduced between 2019 and 2020, i.e., in addition to the cases being resolved more quickly, there was a reduction in the old collection. However, it is relevant to remember the change in the calculation method as of 2020 due to the implementation of DataJud. As the database and calculations are now centralized at the CNJ, the break in the historical series between the years 2019 and 2020 may be a reflection of the change in the calculation method, which is now more reliable, secure, and uniform, as it is fully developed and applied at the CNJ.

The historical series by branch of justice are shown in Figure 149. The average time of pending cases has decreased in the last year between the Federal Regional Courts and the Superior Courts. Taking the last four-year period into consideration, there was also a reduction in the Electoral Justice system. In the other segments, the increase was quite subtle, showing a stability of values between 2020 and 2021.

In Figure 150 it is possible to see the average times of the discharge and of the collection by court and by segment of justice. The biggest distances between the two time dimensions are in the State and Federal Courts. In the State Courts, cases have been pending for an average of 4 years and 8 months, and those dismissed from 2021 took 2 years and 7 months to be resolved, i.e., a difference of approximately 2 years. In the Federal Court, the difference is even greater: while the pending cases have been awaiting a definitive solution for 5 years and 2 months, the time it took for them to be released was 1 year and 10 months, showing that there was a greater prioritization in the resolution of the newest cases, while maintaining an old backlog. The Superior Courts, the Electoral Justice and the State Military Justice stand out for presenting an average time for pending cases of less than 2 years.



Figure 148 - Historical series of the average time of duration of proceedings



#### Figure 149 - Historical series of the average time of duration of proceedings, per court



1y-11m

1y-7m

1y-7m

1y-7m

1y-4m

1y-7m

11m

2a

1y-10m

1y-6m

1y-8m

2y-1m

2v-8m

2y-7m

2y-5m

2y-2m

TRT5

TRT12

TRT6

TRT18

TRT19

TRT11

TRT13

TRT24

TRT21

TRT16

TRT20

TRT14

TRT23

TRT22

TRT17

Labor

3y-1m

3y-6m

3y-3m

3y-2m

3y-1m

2y-10m

2y-10m

2y-6m

2y-8m

1y-11m 1y-11m

1y-9m

5y-8m

3a

2y-4m

2y-2m

Figure 150 - Average time spent on pending and disposed cases, per court



Electoral

TRF-BA

1v-3m

7m





 In Figure 151 it is possible to analyze the average time elapsed between the receipt of the lawsuit and the judgment, with comparison between the first degree and the second degree. While in the first degree it takes an average of 2 years and 3 months, in the second degree this time is reduced to approximately one third: 10 months. Excluding the electoral courts, only two courts have a longer average second degree time than the first: TJRR and TRF1.

The discovery phase, in which the judge must overcome the postulation of the parties and the dilation of evidence to reach a verdict, is faster than the execution phase, which does not involve cognition, but only the concretization of the right recognized in the verdict or in the extrajudicial title. However, this time can be impaired by the difficulties in execution and asset seizure that occur in this phase. Only in some Electoral Courts there are rare incidences of the average time in the second degree exceeding the time in the first degree, which may be due to the seasonality of this segment of Justice.

Figure 152 illustrates this observable aspect for almost all courts. To receive a sentence, the process takes, from the date of entry, approximately three times as long in the execution phase (3 years and 11 months) compared to the discovery phase (1 year and 3 months). This is consistent with the observed congestion rate, 85% in the execution phase and 68% in the discovery phase. The Labor Courts and the Federal Courts stand out for having an average time of processing in the discovery phase of less than a year, being 9 months among the Regional Labor Courts and 10 months among the Regional Federal Courts. In execution, on the contrary, the longest average time is in the Federal Court, 6 years and 4 months, followed by the State Court: 4 years. The data thus reveal agility in the discovery phase, but difficulties in the enforcement phase.






Superior Auditoria Militar



### Figure 151 - Average time from initial to sentence in the second degree and first degree, per court



### Figure 152 - Average time from initial phase to judgment in the execution and discovery phases, in the first degree, per court

The time-to-discharge indicator measures the number of days actually spent between the beginning of the process and the first withdrawal movement in each phase. Here, too, there is a disproportion between the processes in the discovery and execution phases. When execution or liquidation is initiated in the process, it characterizes the discharge of the discovery phase, at the same time that the process is counted as a new execution case. The dispose of executions, on the other hand, occurs only when the court has its conflict fully resolved before the Justice, for example, when the precatórios are paid or the debts are settled. It is possible that the time from initial to discharge may be less than the time to judgment. This is because the data are represented by averages of events that occurred in a specific year, 2021. Thus, not all disposed cases in 2021 were necessarily sentenced in the same year, that is, the universe of cases subject to analysis of the average time until sentence is not, by any means, the same universe as those considered until the time of dismissal. The closeness of the averages only means that the discharge occurs soon after the sentence, without much delay.

The time it takes for a case to be processed in the Judiciary is 11 months in the second degree (Figure 153), 1 year and 10 months in the first degree discovery phase (Figure 154), and 3 years and 8 months in the first degree execution phase (Figure 155). Once again it is demonstrated that the execution phase is the most time consuming, leading to a great accumulation of pending cases.

With regard to the duration of cases that are still pending discharge, the final calculation term was December 31, 2021. It can be observed that the Judiciary presented an inventory time superior to the time of discharge both in the second degree and in the first degree, in the discovery and execution phases. The average time for cases in progress at the second degree is 2 years and 1 month (2.4 times longer than the time to be dismissed, as per Figure 153); the average time for cases in progress at the first degree of discovery is 3 years and 3 months (1.7 times longer than the time to be dismissed, as per Figure 154); and the average time for cases in progress at the first degree of execution is 5 years and 11 months (1.6 times longer than the time to be dismissed, as per Figure 155).

Figure 156 shows the average processing times for pending cases without taking into consideration judicial and extrajudicial executions, separating them into the gross and net versions. In the gross average time, the entire period from the beginning of the lawsuit until December 31, 2021 of all pending cases is taken into account. As for the net time, besides removing from the calculation basis the suspended, on hold or provisionally filed cases, the periods that remained in these situations are also discounted. Thus, the average time for the body of discovery in the Judiciary's original instances or appeals was 3 years and 1 month and, discounting the suspension/rest periods, the processing time was 2 years and 8 months.























#### Figure 154 - Average time for pending and disposed cases in the first degree of discovery phase



### Figure 155 - Average time for pending and disposed cases in the first degree execution phase

6y-9m

6y-8m

6y-8m

7y-7m

5y-5m

5y-1m

4y-10m

4y-4m

3y-9m

3y-10m

5y-11m



#### Figure 156 - Average processing time for gross and net pending cases, excluding executions











	Judiciary	
3y-1m	Judiciary	2y-8n

# **9 CRIMINAL JUSTICE**

In 2021, the Judiciary received 2.2 million new criminal cases (Figure 157), of which 1.5 million (56.5%) in the first degree of discovery phase, 11,100 (0.4%) in the appeal courts, 573,500 (21.4%) in the second degree and 140,200 (5.2%) in the Higher Courts. In addition to the 2.2 million, 441.7 thousand (16.5%) criminal executions were started, totaling 2.7 million new criminal cases, when criminal executions are included.

The State Court is the segment with the largest representation of litigation in the Judiciary, with 70.8% of the demand. In the criminal area, this representation increases to 92.6%.

Figure 157 shows that the number of new criminal cases decreased in 2020, with a subsequent increase in 2021, registering a variation of 6.4%. Even so, the last two years of the historical series represent the lowest criminal procedural demands observed since 2009. As for the backlog, there is some maintenance of the values, which oscillate between 5.3 and 5.5 million cases, with a reduction in the backlog of 1.9% between the years 2020 and 2021. The number of disposals grew by 19%, registering a total of 2.4 million cases resolved during 2021.

The information about the number of new and pending cases per court can be seen in Figure 158. The pending cases are equivalent to 2.8 times the demand. In the Court of Justice of the State of São Paulo alone, 1.1 million are concentrated, equivalent to 20.2% of the country's criminal procedural collection.

It is important to point out that the Criminal Justice system may have been greatly affected by the covid-19 pandemic, in view of the need to hold virtual criminal hearings and jury sessions and the possible difficulty in transit logistics hampered by cases of infection in the penitentiary institutions and the police force, but that, even in the face of such a scenario, the backlog remained stable.



Figure 157 - Historical series of new and pending criminal cases in the first degree, second degree and superior courts, excluding penal executions



### Figure 158 - New and pending criminal cases, excluding executions, by court.

At the end of 2021, there were 2.3 million pending criminal executions, of which 1.4 million were custodial sentences (60.1%) and 903 thousand were alternative sentences (40%). Over the year 2021, 442,000 criminal executions were initiated. In most cases, the penalty applied was with deprivation of liberty, a total of 158.7 thousand executions, 35.9% of the total. Among the non-custodial sentences (283.1 thousand), 2 thousand (0.7%) entered the special courts and 281 thousand (99.3%) entered the regular courts, as shown in Figure 159.



### Figure 159 - Historical series of penal executions

According to Figure 160, the results of the average times for disposed cases of in the year 2021, by court, indicate different scenarios in the second degree and higher courts, when compared to the first degree. In the second instance, the Electoral Justice is the only one in which the criminal process takes longer than the non-criminal one. In the Federal Regional Courts (second degree), criminal proceedings took an average of 1 year and 1 month; in the State Courts, the average was 7 months, and in the Superior Court of Justice, which receives appeals from both segments, the average was 5 months. On average, criminal cases lasted an average of 4 months less than non-criminal cases.

In the first degree discovery phase, the time for criminal cases is longer than for non-criminal cases (Figure 161). These data are in line with what is observed in Table 8, where the criminal congestion rate (75%) exceeds the non-criminal one (66.8%) for this phase/ instance. In the Federal Court, the average time for criminal cases in the first degree hearing stage (2 years and 9 months) is more than twice as long as for non-criminal cases (2 years and 9 months). In the State Courts, criminal cases last an average of 2 years and 11 months until the first trial.

Criminal executions are not accounted for in the statistics in the chapter dedicated to the analysis of the time of the process, since the process remains in progress until the end of the sentence and, for this reason, they are analyzed separately in this chapter.

The average time of discharge for criminal executions carried out in 2021 is 4 years and 6 months in the State Courts and 3 years and 1 month in the Federal Courts (Figure 162). These times are longer than average until the case dismissal at the stage of discovery that is, until the beginning of the penal execution or until the remittance of the process on appeal to the

second degree, which was 2 years and 11 months in the State Court and 2 years and 9 months in the Federal Court.



Figure 160 - Average time for criminal and non-criminal cases processed in the second degree and Superior Courts, by court.

## Figure 161 - Average time for criminal and non-criminal cases disposed of in the first degree judicial phase, by court.



Electoral 6m TRE-RS 3a e 8m 7m TRE-SP 3a e 5m 8m TRE-MG 2a e 8m 7m TRE-PR 2a e 6m 7m TRE-RJ 2a e 5m 7m TRE-BA 2a e 4m 9m TRE-PI 5a e 8m 7m TRE-PB 5a e 4m 9m 4a e 6m TRF-MA 8m TRE-PE 4a 9m TRE-AM 3a e 9m 8m 3a e 7m TRE-RN 8m TRE-CE 3a e 4m 8m TRE-PA 2a e 3m 7m TRE-SC 2a e 1m 7m TRE-GO 1a e 2m 7m 4a e 10m TRE-AC 8m TRE-MT 4a e 8m 8m TRE-AL 4a e 1m 6m TRF-MS 3a e 5m 8m TRE-TO 3a e 3m 7m TRE-RR 3a 8m 2a e 9m TRE-SE 2a e 5m 8m TRE-ES 2a e 4m 8m TRE-AP 2a e 6m TRE-DF 2a e 2m 1a e 8m 8m TRE-RO 8m Electoral 3a e 3m







### Figure 162 - Average time for criminal execution cases disposed from the first degree, per court.

# 10 COMPETENCIES OF STATE JUSTICE

The State Courts deal with a great diversity of procedural issues, and there are specialized courts responsible for judging specific claims. This chapter aims to compare the performance indicators of the exclusive courts, which operate only in one type of jurisdiction (e.g.: business courts, jury courts, domestic violence courts, special courts for the public treasury, among others).

To calculate the indicators, we used data from the Monthly Productivity Module system,<sup>12</sup> which has a registry of all the judicial units in the country with information about the competencies covered in each one, the jurisdiction, and other registry data. The data are published on the CNJ portal, at: http://www.cnj.jus.br/pesquisas-ju-diciarias/paineis.<sup>13</sup>

Figure 163 shows the existence of a large number of single courts, which are units of full jurisdiction with attribution to process all types of cases. This means that 65.6% of the Brazilian local jurisdictions have only one court. Approximately 65% of the judicial units are single-trial or have exclusive civil or criminal jurisdiction. The other units have specific competencies that operate either exclusively or cumulatively with other specializations.

<sup>12</sup> System established by Provision No. 49 of August 18, 2015 of the National Corregedoria de Justiça and regulated by the Permanent Commission for Strategic Management, Statistics and Budget, through the publication of Annex II of Resolution CNJ 76/2009. 13 The data used in this report was extracted in July 2021.



### Figure 163 - First degree judicial units of the State Justice System, per competence

The Monthly Productivity Module presents 38 types of competence that can be marked for each judicial unit. More than 3.500 first degree judicial units have exclusive civil or criminal jurisdiction; 536 are exclusive to tax execution or public treasury; 376 are exclusive to family issues; 169 are for children and youth; 145 are exclusive to domestic violence; 128 are exclusive to criminal execution; and 112 are exclusive to jury court.

Figure 164 presents the average number of pending and disposed cases per unique judicial unit. It can be seen that the courts exclusively dedicated to tax foreclosure or public treasury have the highest numbers, with approximately 4,000 disposed cases and 30,000 cases in progress per court, totaling 69% of the total number of tax foreclosure cases in progress in the state courts. These are also the courts with the highest congestion rate among the courts analyzed (Figure 165), which confirms the data already presented in the previous chapters, i.e., regardless of whether they are exclusive courts or not, the tax execution congestion rate is high, in both cases reaching degrees close to 90%. In penal execution, congestion is high, for the reasons already explained in this report.

According to Figure 165, the lowest congestion rates are in the special courts that operate exclusively, that is, without associate courts. These include the civil courts (51%), those that accumulate both civil and criminal jurisdiction (54%), the criminal courts (63%)) and those exclusive to the public treasury (64%)). Other courts of exclusive jurisdiction that have rates

below 70% are domestic and family violence against women (66%), children and youth (67%) and military auditorships (70%).







### Figure 165 - Congestion rate in exclusive courts, by type of competence

Figure 166 shows the percentage of pending and dismissed cases in the exclusive courts in relation to the total number of domestic violence cases, criminal execution cases, tax execution cases, criminal cases in the cognizance phase, and non-criminal cases, except for tax executions. It can be observed that, in the Tax Execution competence, the great majority of the processes (70% of the cases that are being processed, as well as 69% that are in progress) are in the exclusive courts. In the Special Civil Courts, 51% are processed in exclusive units. In the other competencies, the opposite is true, since the exclusive courts concentrate less than 40% of the cases. Even with all the incentive to specialize the judicial units, in domestic violence, for example, 68% of the collection is processed in cumulative (non-exclusive) courts.



## Figure 166 - Percentage of pending and disposed cases in the exclusive courts in relation to the total number of cases, by competence

In the following sections, information is missing from some courts that do not have exclusive courts. Three indicators are calculated for each type of competence: percentage of pending and settled cases in the exclusive courts; average number of pending and settled cases per judicial unit and congestion rates of the exclusive courts.

# 10.1 EXCLUSIVE TAX EXECUTION OR PUBLIC TREASURY COURTS

The general data on tax executions are detailed in the "Execution Bottlenecks" section of the "Judicial Management" chapter. These cases represent 35% of the total number of pending cases and 65% of the pending executions in the Judiciary.

It is noteworthy that 68.9% of the pending tax execution cases are in the exclusive courts (Figure 167). However, this is not a pattern in all courts, since while in the TJPA and TJRS there are only 9% and 17%, respectively, other courts have 100% of tax execution cases in exclusive courts, such as the following: TJMA, TJDFT, TJSE, TJRN, TJPI, TJPB and TJAL (Figure 167).

As seen in the section "Tax Foreclosures", 59.7% of the total number of tax foreclosure cases in progress in the Judiciary are in the Courts of São Paulo and Rio de Janeiro, and 76% of the cases are in exclusive courts. These cases are in 239 courts, that is, 51,023 pending cases per court (Figure 168).

Figure 169 presents the rate of congestion of the courts exclusively dealing with tax execution or public treasury, in which 19 out of 27 Courts of Justice have a congestion rate above 80%. The congestion rate of the exclusive courts is 89.1%, a value close to the general congestion of tax execution (89.7%), which reveals that this type of specialization does not contribute to improving congestion, but only to better judicial organization, given the large volume of cases in this area of law.



Figure 167 - Percentage of tax execution cases processed in the exclusive courts, according to the court



Figure 168 - Total tax execution cases disposed and pending by exclusive court, according to the court



Figure 169 - Congestion rate of the courts exclusively dedicated to tax execution or public treasury

### 10.2 EXCLUSIVE DOMESTIC VIOLENCE COURTS

Figure 170 shows the percentage of cases in progress in the exclusive domestic and family violence against women courts. The TJDFT and the TJRR are the only ones to present more than 90% of the cases in units destined to judge exclusively such actions (94% and 100%, respectively).

The exclusive trial courts of the TJRO and TJAM comprise, respectively, 77% and 78% of the total number of domestic violence cases in progress and are among the largest number of disposed cases and in progress by judicial unit, with 8,787 pending cases per court and 2,413 cases dismissed per court (Figure 171).

Figure 172 shows that the rate of congestion in the domestic violence courts is 65.8%. The TJDFT has 94% of the domestic violence cases in progress in the courts with exclusive competence for this issue (Figure 170), which demonstrates a successful experience in dealing with this issue,

with a low rate of congestion and high concentration of cases in the specialized courts, as well as the TJRR, with 100% concentration of domestic violence cases in the courts of exclusive jurisdiction and 51.9% of congestion rate.







### Figure 171 - Total domestic violence cases disposed and pending by exclusive court, by court



Figure 172 - Congestion rate of the exclusive domestic and family violence against women courts, according to court

### 10.3 EXCLUSIVE CIVIL COURTS

About 30% of non-criminal cases are handled by civil courts with exclusive jurisdiction, with considerable variation among the courts. The TJRO and TJDFT courts stand out as having more than 60% of the non-criminal cases being handled by the exclusive civil courts (Figure 173). On the other hand, the TJRS and TJBA have rates lower than 10%, which shows low processing of these issues in the specialized courts. Furthermore, the national average of 30% shows that this is perhaps a specialization that is not highly concentrated nationally.

An average of 3,651 cases were processed in the exclusive civil courts of the State Courts by the end of 2021, and 1,009 cases were disposed per court unit (Figure 174).

The congestion rate in the exclusively civil courts is 78.3%. The TJRR has the lowest congestion rate of the exclusive civil courts, the only one below 50% (Figure 175).



Figure 173 - Percentage of non-criminal cases processed in the exclusive civil courts, by court



### Figure 174 - Total non-criminal cases disposed of and pending by exclusive civil court, by court



Figure 175 - Congestion rate for non-criminal cases in the exclusive civil courts, by court

### 10.4 EXCLUSIVE CRIMINAL COURTS

Only the TJRO, TJRR and TJSE have more than half of the criminal cases in progress in the exclusive criminal courts, as shown in Figure 176. The national average was 22.1%. The average backlog per unit was 1,028 cases, with 311 cases per court. According to Figure 177, the values vary significantly among the courts.

The rate of congestion of discovery processes in the exclusive criminal courts was 76.8%, with the best results seen in the TJSC (51.4%) and TJAP (53.5%), according to Figure 178.



Figure 176 - Percentage of criminal cases processed in the exclusive courts, according to the court



## Figure 177 - Total number of criminal cases disposed of and pending by exclusive court, according to the court



Figure 178 - Congestion rate of criminal cases in the exclusive criminal courts, according to the court

To elaborate the data in Figure 179, the calculation took into consideration the ratio between the total number of cases processed in the exclusive Jury Court courts in relation to the total number of criminal cases.

In general, the percentage of cases processed in the courts created exclusively to judge and process Jury Tribunal actions is small, that is, the cases are generally processed in courts that accumulate other criminal or non-criminal issues. Only 0.33% of the cases are in the exclusive ones, with the highest percentage in the TJAP, 6.5%, according to Figure 179.

There is an average of 445 cases pending and 139 dropped per exclusive jury court unit (Figure 180).



Figure 179 - Percentage of Jury Court cases processed in the exclusive courts, by court



### Figure 180 - Total Jury Court cases processed and pending by exclusive court, by court

In relation to the courts exclusively dedicated to criminal execution and/or alternative measures, the congestion rates per court are not presented, since the process remains pending until the end of the sentence. Both custodial and non-custodial sentences are computed.

In the State Courts, at the end of 2021, about 14% of the pending criminal execution cases were in an exclusive court (Figure 181). The exclusive criminal courts of the State Courts of Roraima and Amazonas cover more than 80% of the cases in this area of law. Several courts appear without data in this regard, possibly because there are no courts exclusively for criminal execution and alternative measures.

At the end of 2021, there were, on average, 2,811 cases per court being processed in the exclusive criminal courts of the State Courts, and 722 cases were resolved, on average. The volume of pending cases per exclusive judicial unit in the states of Amazonas (13,190) and Sergipe (8,792) is striking, as shown in Figure 182.



Figure 181 - Percentage of criminal execution cases processed in exclusive courts, by court



## Figure 182 - Total number of criminal execution cases processed and pending by exclusive court, by court

# 11 COMPARATE JUSTICE OF PRODUCTIVITY: CPI-JUS

The Comparative Justice Productivity Index (CPI-Jus) is a measure that seeks to summarize the productivity and relative efficiency of the courts in a single score, by comparing the optimized efficiency with that measured in each judicial unit, using the (Data Envelopment Analysis - DEA) technique, as specified in the methodological annex.

This method allows comparisons between courts of the same branch of justice, regardless of size, because it considers what has been produced from the resources or inputs available to each court. With regard to the inputs, the index aggregates information on litigiousness - number of cases processed in the period (excluding suspended, on hold, provisionally filed, and tax and criminal execution cases), data on personnel (judges, permanent and commissioned public servants, and public servants admitted through requisition or assignment) and on financial resources (total court expenses, excluding expenses with inactive personnel and with construction and building projects). The index also evaluates the number of disposed cases of, excluding tax and criminal execution cases.

Until 2018 (base year 2017), tax executions, criminal executions and suspended, on hold, and provisionally filed cases were part of the calculation base of the CPI-Jus, both in the dimension of the collection(input) and in the dimension of the disposed cases(output). The methodological change is justified for the reasons already explained in this report, since the discharge of these cases does not depend solely on the efficiency and performance of the Judiciary.

The application of the DEA model results in a percentage that ranges from 0 (zero) to 100%, which is the court's efficiency measure, called the CPI-Jus. The higher the value, the better the performance of the unit, meaning that it was able to produce more with fewer resources available. The courts with the best results, considered to be efficient, become a reference in the branch of justice of which they are pArticle The other courts, in turn, are compared to those most similar to them, in a weighted way. Therefore, the court's CPI-Jus will be the ratio between its performance and how much it should have produced to reach 100% efficiency.

It is worth clarifying that achieving 100% efficiency does not mean that the court does not need to improve, but only that the court was able to drop more cases when compared to other courts with similar resources.
For a better understanding of the CPI-Jus results, it is suggested to view the graphs that show the crossing, two by two, of the main productivity indicators that influence the calculation of relative efficiency. Each of the indicators relates the output variable (resolved) to the input variable. The graphs present, simultaneously, four distinct dimensions, since, besides the two indicators, they also show, by symbol, the classification of each court in relation to size, and by size, the degree of efficiency. More details on the interpretation of this type of graph can be found in the methodological annex of this Report.

The CPI-Jus also measures how much the court should have reduced in number of cases so that, in 2021, it could reach maximum efficiency. Thus, this chapter is intended to present the actual result and the simulation with the main performance indicators. The simulated result is built on the assumption that all courts would be efficient and achieve 100% on the CPI-Jus.

The comparison is produced based on the Magistrates Productivity Index (MPI), the Servants Productivity Index (SPI), the Court's Total Expenditure, and the Congestion Rate (CR).

The CPI-Jus results and scenarios were calculated for the State Courts, the Labor Courts, and the Federal Courts.

# 11.1 STATE COURT

# 11.1.1 **RESULTS**

Figure 183 presents the CPI-Jus results for each state court, and Figure 184 breaks down this indicator for the first and second degree. It can be seen from these graphs that no court has reached a 100% CPI-Jus in the first and second degrees at the same time, although the TJDFT has reached high degrees (89% in the second degree and 100% in the first degree), as has the TJGO (99% in the second degree and 97% in the first degree). It is also noteworthy that the second degree has the lowest CPI-Jus rates, with greater heterogeneity, in which six courts had rates equal to or lower than 40%, while in the first degree the situation was only verified in the TJAL.

The TJSP (great size), the TJTO and the TJPB (small size) obtained indexes of 100% in the second degree and 68%, 69%, 64% in the first degree, respectively. Reached an index of 100% in the first degree: the Courts of Justice of the State of Rio de Janeiro and Rio Grande do Sul (great size); the Courts of Justice of the State of Espírito Santo and the Federal District and Territories (medium size); and the Courts of Justice of the State of Roraima, Rondônia and Amazonas (small size).

Considering the Judiciary as a whole, the first degree showed a better indicator than the second degree, with a CPI-Jus of 78% and 68%, respectively. This does not mean more productivity, but only that, on average, the trial courts presented more homogeneous results, throughout the states, than the second instance courts.

In the global result, taking into consideration both the instances and the administrative area, the following courts had 100% CPI-Jus: TJRS, TJSC, TJGO, TJDFT, TJRO, and TJAM (Figure 183).







Figure 184 - CPI-Jus results for the judicial area, by instance and court

It is possible to highlight the efficiency resulting from the model in each indicator separately, starting from the relationship between the net congestion rate and, respectively, the productivity of magistrates (Figure 185), the productivity of civil servants (Figure 186), and total expenses (Figure 187)<sup>14</sup>. The courts that are closest to the frontier line (blue line) are the most efficient, and the ones farthest away are the least efficient. The Court of Justice of the State of Rondônia (small size) is the only one on the efficiency frontier in all cases.

The courts in the second quadrant of the productivity figure and the third quadrant of the expense figure are the best performers, as they combined high productivity indicators and low expense rates, with lower net congestion rate. Those in the fourth quadrant of the productivity graphs and in the first quadrant of the expenditure graphs are further from the frontier and are associated with high net congestion rates with low productivity degrees or high expenditure volumes.

The TJAM, the TJMS (small size), the TJMT, the TJGO (medium size) are in the best performance quadrant, in all graphs, with more productivity of magistrates and servants, less congestion rate and lower expenses. In contrast, the TJAC, TJAL, TJPA, TJPE and TJRN are in the worst performing quadrants.

<sup>14</sup> Not included in the respective indicators are the tax execution, criminal execution, and suspended/overcome/provisional archive processes.

2.000 GĊ M **Magistrates Productivity Index** ΔМ 1.500 MS SE то PR PI DF RN ES. CE ΡB 1.000 AP PA RR AC PE ΔI 500 Great size Medium size ٠ Small size 0 20% 40% 60% 80% 0% 100%

Figure 185 - Gartner chart and Frontier of the Net Congestion Rate x Magistrates Productivity Index, excluding suspended, on hold cases, criminal and tax executions

Figure 186 - Gartner chart and Frontier of the Net Congestion Rate x Servants Productivity Index, excluding suspended, on hold cases, criminal and tax executions

Net Congestion Rate





Figure 187 - Gartner chart and Frontier of Net Congestion Rate x Total Expense per case disposed, excluding expenses with inactive, suspended, on hold, on hold, criminal and tax executions cases

#### 11.1.2 SCENARIO ANALYSES

In this topic, scenario analyses are presented to estimate how much the courts should have disposed of cases in 2021 in order to achieve maximum efficiency, i.e. 100% in the CPI-Jus. The scenario analysis is based on simulations for the Magistrates Productivity Index (MPI), the Servants Productivity Index (SPI), and the Net Congestion Rate (NCR), also considering tax and criminal execution proceedings. The estimated indicators are based on the assumption that the courts have achieved 100% efficiency.

These scenarios do not mean that the hypothetical situation achieved is ideal. For example, in the case of the TJRJ, it cannot be said that the 72% congestion is satisfactory, but rather that, in relation to the other courts and inputs, the TJRJ has disposed of a comparatively larger volume of cases.

The numbers in Figure 188 and Figure 189 indicate how many cases each server and judge would need to dispose of for the courts to reach 100% efficiency, compared to how many were actually disposed of. Figure 190 demonstrates the result that these realizations would cause in the net congestion rate in the year 2021.

It is interesting to note that the Court of Justice of the State of Rio de Janeiro obtained, in the year 2021, the highest MPI and the highest SPI, however, with the third highest net congestion rate in State Justice. These indicators show that, even with high productivity, the TJRJ has not managed to reduce the number of cases from previous years. The Court of Justice of the State of Rondônia, on the other hand, obtained an CPI-Jus of 100% and reached the highest productivity of the small-sized magistrates, the second lowest net congestion rate of the Justice system, but occupied an intermediate position in the evaluation of the productivity of its servers.

If the courts were to reach the index of 100% in the CPI-Jus, in the year 2021, the biggest changes in the indicators would be felt in the Courts of Justice of Acre, Alagoas, Rio Grande do Norte, Pernambuco and Pará, since the congestion rates could be reduced by at least 10 percentage points.



Figure 188 - Magistrates Productivity Index (MPI) accomplished X necessary for each court to reach the CPI-Jus of 100%



#### Figure 189 - Servants Productivity Index (SPI) performed X needed for each court to reach the CPI-Jus of 100%



Figure 190 - Net Congestion Rate (NCR) realized X result of the consequence if each court reached CPI-Jus of 100%

# 11.2 LABOR JUSTICE

#### 11.2.1 **RESULTS**

Figure 191 shows the CPI-Jus for each Regional Labor Court and Figure 192 presents this indicator segmented between the first and second degree. The following courts achieved 100% in the overall version: TRT15, TRT3, TRT22, TRT16, and TRT14.

However, no court has been able to place 100% simultaneously between the first and second degree. Only two small courts achieved 100% CPI-Jus in the first degree: TRT22 and TRT14. In the second degree, on the other hand, the distribution was more equal.





Figure 192 - CPI-Jus results of the judicial area by instance and court



The efficiency resulting from the model can be seen from the relationship between the net congestion rate versus: a) the productivity of magistrates (Figure 193); b) the productivity of civil servants (Figure 194); and c) total expenses (Figure 195). The courts that are closest to the frontier line (blue line) are the most efficient, and the ones farthest away are the least efficient. The Regional Labor Courts of the 14th and 22nd Regions are found to be on the efficiency frontier in all cases. The 15th Region appears on the frontier when considering the relationship between the net congestion rate and the productivity of both judges and civil servants. The 13th Region appears on the frontier in the evaluation of magistrates' productivity, as do the TRTs of the 16th and 23rd.

The Regional Labor Courts of the 3rd, 7th, 9th, 12th and 22nd Regions occupy the best performance quadrant (second quadrant for the productivity indicators and third for the expense indicator) in all charts, including the great TRT3, the small TRT22, and the other medium-sized ones. The courts of the 4th, 5th, 10th, 19th, 11th and Regions are in the lowest performance quadrant (fourth quadrant for productivity indicators and first for expense indicators), including the great TRT4, the small TRT11, and the other medium-sized ones.

Figure 193 - Gartner chart and Frontier of the net congestion rate x Magistrates productivity index, excluding suspended, on hold cases and tax executions





Figure 194 - Gartner chart and Frontier of the Net Congestion Rate x Servants Productivity Index, excluding suspended, on hold cases and tax executions

Figure 195 - Gartner chart and Frontier of Net Congestion Rate x Total Expense per case resolved of, excluding expenses with inactive, suspended, on hold, and tax executions



# 11.2.2 SCENARIO ANALYSES

In the simulations presented below, the Magistrates Productivity Index (MPI), the Servants Productivity Index (SIP), and the Net Congestion Rate (NCR) are calculated, also considering tax execution proceedings. The estimated indicators are based on the assumption that the courts have achieved 100% efficiency, in contrast to the actual values.<sup>15</sup>

In the hypothetical situation, the total MPI of the labor court would rise from 879 to 1,134, but in some courts the productivity gain would be almost double the current one. Likewise, the SPI would increase from 76 to 99, and the congestion rate would drop from 58% to 52% (Figures 196 to 198).



# Figure 196 - Magistrates' Productivity Index (MPI) achieved X necessary for each court to reach the CPI-Jus of 100%

15 See further explanations in the State Justice Scenario Analysis section



Figure 197 - Servants Productivity Index (SPI) performed X needed for each court to reach the CPI-Jus of 100%



Figure 198 - Net Congestion Rate (NCR) realized X result of the consequence if each court reached CPI-Jus of 100%

# 11.3 FEDERAL JUSTICE

# 11.3.1 **RESULTS**

The same indicators used in the relative efficiency model of the State and Labor Courts were applied to the Federal Courts. However, since this is a segment of justice with only five courts, to enable the calculation of the CPI-Jus using Data Envelopment Analysis (DEA), the information was disaggregated by judicial section<sup>16</sup>. The consolidated CPI-Jus for the courts results from the calculation of the values obtained separately for the first and second degree. For this reason, no court presented a global indicator of 100%, unlike what occurs in the other branches of justice. In the case of the Federal Court, the comparisons are made on the basis of the judicial

<sup>16</sup> See details in the methodological appendix.

sections and the second-degree structures, considering what was produced from the resources or inputs available to each unit.

Figure 199 indicates that the Federal Regional Court of the 4th Region obtained the highest CPI--Jus in the Federal Courts, with 95%, and 100% CPI-Jus in the second degree and in the Judicial Section of Rio Grande do Sul. Besides this result, only the Judicial Section of Alagoas (TRF5) also reached 100% of CPI-Jus in the Federal Court. The three least efficient judicial sections belong to the TRF 1st Region: Amazonas (31.4%), Federal District (31.9%), and Amapá (37.3%).



Figure 199 - CPI-Jus results of the judicial area, by court







Figure 201 - CPI-Jus results, by judicial section

The net congestion rate compared to the productivity of judges (Figure 202), to the productivity of civil servants (Figure 203), and to total expenses (Figure 204), shows that the judicial sections of Alagoas and Rio Grande do Sul were the only ones on the efficiency frontier in all three dimensions analyzed. The judicial section of Santa Catarina was at the frontier in the evaluation of expenses and productivity of its employees. The second degree of TRF4 was on the borderline when comparing the net congestion rate with magistrates' productivity.

Figure 202 - Gartner chart and Frontier of the net congestion rate x Magistrates productivity index, excluding suspended, on hold cases, criminal and tax executions



Figure 203 - Gartner chart and Frontier of the Net Congestion Rate x Servants Productivity Index, excluding suspended, on hold cases, criminal and tax executions



Figure 204 - Gartner chart and Frontier of Net Congestion Rate x Total Expense per case resolved of, excluding expenses with inactive, suspended, on hold, criminal and tax executions



#### 11.3.2 SCENARIO ANALYSES

In the simulations presented below, the Magistrates Productivity Index (MPI), the Servants Productivity Index (SIP), and the Net Congestion Rate (NCR) are calculated, also considering tax and criminal execution proceedings. The indicators assume that all courts have achieved 100% efficiency. The numbers in Figures 205 and 206 indicate how many cases each magistrate would need to dispose of for the court to reach 100% efficiency. Analogously, in Figures 207 and 208 the comparison of server productivity is made. Figures 209 and 210 demonstrate the impact that these assumptions would have on the net congestion rate in the year 2021<sup>17</sup>.

The Judicial Section of the Federal District draws attention for the difference between the measured productivity (1,410) and the expected productivity to reach 100% efficiency (4,158), because for the resources that are available the section should occupy the best positions in the ranking. Other sections with low indexes, where there is a need for improvement, are Amapá and Amazonas.

<sup>17</sup> See further explanation in the State Justice Scenario Analysis section.

In the hypothetical situation, the total MPI of the Federal Court would rise from 2,096 to 3,077, but in some courts the productivity gain would be almost double the current one. Likewise, the SPI would increase from 133 to 195, and the congestion rate, would drop from 60% to 51% (Figures 206 to 210).









Figure 207 - Servant Productivity Index (SPI) achieved X necessary for each court to reach the CPI-Jus of 100% in the second degree



Figure 208 - Servant Productivity Index (SPI) performed X needed for each court to achieve a CPI-Jus of 100%











# 12 MOST RECURRENT DEMANDS ACCORDING TO CLASSES AND SUBJECTS

This chapter presents the number of lawsuits filed in 2021, segmented by class and subject ISSEUE, according to the unified procedural tables instituted by Resolution CNJ No. 46, of December 18, 2007.

It is worth clarifying that there are conceptual differences between the cases filed by class/ subject and the total number of new cases reported in the other sections of this report. In calculating the total number of new cases in the Judiciary, some classes are excluded, as is the case with judicial writs of payment (precatórios), small value requisitions, and motion for clarification, among others. However, since the goal here is to know the demand for each of the classes separately, all are considered. Regarding the subjects, it is common for more than one subject to be registered in the same process. When this occurs, everyone is accounted for. Thus, the numbers presented do not reflect the number of cases filed, but only the number of cases registered in a certain class and/or subject. The data comes from DataJud.

The information on the most recurring issues and classes is shown according to the five groups with the highest number of cases in each segment of the justice system and by degree of jurisdiction: second degree, exclusive first degree (common justice only), appeal courts, and special courts.

# 12.1 FREQUENTLY RECURRING ISSUES

The unified procedural tables have six hierarchical degrees of subjects: in the large group that encompasses the subjects "Tax Law" (degree 1), there is a segmentation into other groups of subjects, among them the group "Tax Credit" (degree 2). This group, in turn, is broken down into other groups, among them the "Extinction of the Tax Credit" group (degree 3), also segmented, giving rise, for example, to the "Prescription" group (degree 4). This last group is also broken down into other subject groups, among them the "Suspension" group (degree 5), which, finally, can be segmented into several subjects, in this case as "Administrative archiving - Small Claims" (degree 6).

The information presented below covers the first to the third hierarchical degree. For a better understanding of the meaning of each of the issues in the Unified Procedural Tables, it is necessary to access the public area of the Table Management System (SGT) at https://www. cnj.jus.br/sgt/consulta\_publica\_assuntos.php where it is possible to consult codes, glossaries, and legal provisions.

Figures 211 to 215 show the most requested issues, in general and by segment of justice, with detailed representation between second degree (Figure 212), first degree/common court (Figure 213), appeal courts (Figure 214), and first degree/special courts (Figure 215).

The State Courts, with approximately 71% of the total number of cases filed in the Judiciary, bring together a great diversity of issues. The subject Civil Law appears twice among the five most frequent matters in court, appearing also as the main subject in all degrees of jurisdiction of the State Courts, especially in the form of actions on contractual obligations and compensation for moral damage, which arise both in the civil law and consumer law tree. Tax Law issues also appear with high frequency in the State Courts regarding tax credits recorded as active debt (tax foreclosure) and IPTU collection. The special courts system, including appeals, is especially concerned with discussions of moral and material damages. In the common justice system, the top five issues include family law discussions regarding alimony and kinship relationships (custody, adoption of a minor, parental alienation, suspension of family power, maternity/paternity investigations, among others).

In the Labor Justice System, with 11% of the total number of cases filed, there is a concentration on the subject of "termination of employment contract" - the highest number of new cases in the Judiciary. The other subjects that appear frequently, both in the general data and by instance, are: individual employment contract, employer's civil liability, remuneration amounts, indemnities and benefits, and duration of work.

The Federal Court has a high number of social security law cases, among which social security sick pay is the most recurrent sub-theme, followed by disability retirement, old-age retirement, and retirement for length of service, which appear in the list of the top five issues in the segment. The other issue that appears with relevance in the Federal Court are actions about the Guarantee Fund for Length of Service (FGTS). In the second degree, the most recurrent theme is about social contributions, in tax law. The first degree of the Federal Court, however, is headed, in the top three positions, by Tax Law, covering active debt (tax execution), corporate contributions, and social contributions. In fifth place is the active tax debt. In the Federal Special Courts (JEF), where the largest portion of the suits filed in the Federal Courts are located, the highlight goes to social security law; a pattern that is repeated in the appeal courts. From2020, Emergency Aid has moved into the top five list for JEFs, as a result of the pandemic caused by

covid-19. It is important to note the weight of the JEFs' welfare lawsuits in the justice segment, since the issues ended up being among the largest in the overall ranking.

Labor	1 LABORLAW Individual Labor Law / Termination of Employment Contract	9.093.217 (8,53%)
	2 LABORLAW Individual Labor Law / Duration of Work	4.659.181 (4,37%)
	3. LABORLANY Individual Labor Law / Wage and Salary Payments	4.399.429 (4,13%)
	4. LABORLAW Individual Labor Law / Individual Employment Contract	2.553.046 (2,39%)
	5 LABORLANV Individual Labor Law / Employer Liability	1.612.597 (1,51%)
	1 LABORLANY Individual Labor Law / Duration of Work	202.357 (0,19%)
ā	2 LABORLAW	193.440 (0,18%)
ber	3. LABORLAW Individual Labor Law / Compensation and Benefits	152.454 (0,14%)
9	4. CRIMINALLANY Crimes Provided for in Extravagant Legislation / Crimes of Illicit Traffic and Misuse of Drugs	129.999 (0,12%)
	5. CMLANDLABORFFCCED.FALLAW Parties and Attorneys / Judicial Power of Attorney	113.565 (0,11%)
	1 ADMINSTRATIVELAWAND OTHERISSELES OF RUELICLAW Military / Investigation	1.502 (0,00%)
a Sie	2 ADMNSTRATIVELAWANDOTHERISSELESOFERELICLAVE Military / Regime	993 (0,00%)
3at Mita	3. MLITARY CRIMINALLANY Crimes Against the Person / Bodily Injury and Rape	625 (0,00%)
~	4. MUTARY CRIMINALLAW General Part / Accessory penalties	579 (0,00%)
	5. CVILANDLABORFFOCED_FALLACV Parties and Attorneys / Free Legal Aid	577 (0,00%)
	1 FREXIDENCIARY RG-IF Benefits in kind / Social Security sickness benefit	1.437.695 (1,35%)
ज	2 ADMNSTRATIVELAWAND OTHERISSELES OF RELICIANY Political-administrative organization / Employment Time Guarantee Fund	981.234 (0,92%)
ade Sole	3. FREX.DEX.DCARY.FRG-TF Benefits in Kind / Disability Retirement	922.323 (0,87%)
Ľ	4. FREMDENCIARY RG-TE Benefits in Kind /51)	680.235 (0,64%)
	5. FREADENCARY RG-IF Benefits in Kind /6)	623.052 (0,58%)
	1 OVILLAW Obligations / Species of Contracts	4.183.091 (3,92%)
Ø	2 CONSUMERLAW Responsibility Supplier / Moral Damage Compensation	3.074.985 (2,88%)
3व	3. TEXLANY Impostos / Property and Land Tax	2.624.473 (2,46%)
•,	4. TXLAVActive Debt/	2.366.032 (2,22%)
	5. CMLLAW Civil Responsability / Compensation for Moral Damage	1.821.819 (1,71%)
	1 HECTORI- Elections / Positions	1.212.701 (1,14%)
Eedoral	2 ELECTOPAL- Elections / Candidates	691.417 (0,65%)
	3. ELECTORAL - Elections / Accountability	567.720 (0,53%)
	4. ELECTORAL- Political Parties / Rendering of Accounts - From Financial Year	165.283 (0,16%)
	5. ELECTORA - Elections / Political Propaganda - Electoral Propaganda	110.148 (0,10%)

#### Figure 211 - Most popular topics

# Figure 212 - Most requested issues in the second degree

	1 LABORLAVE Individual Labor Law / Termination of Employment Contract	1.572.121 (8,96%)
tor.	2 LABORLAW Individual Labor Law / Duration of Work	1.085.475 (6,19%)
	3. LABORLANY Individual Labor Law / Remuneratory, Indemnifying and Compensatory Amounts	994.229 (5,67%)
<u> </u>	4. LABORLAW Individual Labor Law / Individual Employment Contract	479.053 (2,73%)
	5. LABORLAVY Individual Labor Law/ Employer's Liability	371.809 (2,12%)
	1 ADMINISTRATIVELAWANDOTHERISSELESOFFUELICLAW Military / Investigation	717 (0,00%)
_ ≥	2 MLITARY CRIMINALLAW General Part / Accessory penalties	578 (0,00%)
3af	3. ADMN STRATIVELAWAND OTHERISSELES OF RELICIANY Military / Regime	480 (0,00%)
~≥	4. MLITARY CRIMINALLAW Crimes Against the Person / Murder	239 (0,00%)
	5. MLITARY CRIMINAL LAVY Crimes Against the Person / Bodily Injury and Rape	203 (0,00%)
	1 TREJTARY Contributions / Social Contributions	161.071 (0,92%)
ਹ	2 FREMDENCARY Benefits in Kind /6)	115.944 (0,66%)
-ba	3. FREMDENCARY Generic Claims for Benefits in Kind / Granting	110.693 (0,63%)
æ	4. FREVIDENCIARY- Benefits in kind / Social Security Sickness Aid	79.261 (0,45%)
	5. FFEMDENDARY- Benefits in kind / Disability Retirement	76.224 (0,43%)
	1 CVLLAAV Obligations / Species of Contracts	753.006 (4,29%)
Ð	2 CONSUMERLAW Consumer Contracts / Banking	385.513 (2,20%)
3at	3. CRIMINALLAND Crimes Provided for in Extravagant Legislation / Crimes of Illicit Traffic and Misuse of Drugs Civil Liability	359.125 (2,05%)
	4. CMLLAW Civil Responsability / Compensation for Moral Damage	240.600 (1,37%)
	5. CONSIDERLARY Supplier Liability / Indemnification for Moral Damage	233.716 (1,33%)
	1 EECORA- Elections / Offices	40.006 (0,23%)
ਹ	2 ELECTORAL- Elections / Candidates	30.100 (0,17%)
đđ	3. ELECTORA- Elections / Political Propaganda - Electoral Propaganda	28.021 (0,16%)
θH	4. ELECTORAL - Elections / Accountability	19.925 (0,11%)
	5. ELECTORA – Elections / Electoral Campaign Finance	11.507 (0,07%)

# Figure 213 - Most requested issues in the first degree (courts)

	1 LAROR LAW- Individual Labor Law / Termination of Employment Contract	7 521 096 (11 63%)
or	IAROR IAW Individual Labor Law / Duration of Work	3 573 706 (5 52%)
	3 LAROR LAW Individual Labor Law / Remuneration	3 405 200 (5 26%)
Lab	A LAROD LAW Individual Law / Individual Employment Contract	2 072 002 (2 21%)
	5 LAROR LAW Individual Law / Employer's Liability	1 240 788 (1 92%)
		705 (0,000)
	1. ADMINISTRATIVE LAW AND UTHER ISSEUES OF PUBLIC LAW - MINISTRY / Investigation	785 (0,00%)
a A	2. CIVIL AND LABOR PROCEDURAL LAW – Parties and Attorneys / Free Legal Aid	557 (0,00%)
Stat	3. ADMINISTRATIVE LAW AND OTHER ISSEUES OF PUBLIC LAW- Military / Regime	513 (0,00%)
Ξ	4. CIVIL AND LABOR PROCEDURAL LAW- Provisional Remedy / Injunction	433 (0,00%)
	5. MILITARY CRIMINAL LAW- Crimes Against the Person / Bodily Injury and Rape	422 (0,00%)
	1. TAX LAW-Active Debt/	224.457 (0,35%)
al	2. TAX LAW- Corporate Contributions / Contributions TAX LAW - Social	205.184 (0,32%)
der	3. TAX LAW- Contributions / Contributions	195.817 (0,30%)
Е	4. PREVIDENCE LAW- Benefits in kind /6)	169.455 (0,26%)
	5. CIVIL LAW- Obligations / Species of Contracts	131.094 (0,20%)
	1. CIVIL LAW- Obligations / Species of Contracts	2.624.582 (4,06%)
	2. TAX LAW- Taxes / Property Tax and Urban Land	2.510.608 (3,88%)
tate	3. TAX LAW–Electoral	2.296.910 (3,55%)
S	4. CIVIL LAW- Family / Alimony	1.527.103 (2,36%)
	5. CIVIL LAW- Family / kinship relations	952.701 (1,47%)
	1. ELECTORAL LAW - Elections / Positions	1.172.695 (1,81%)
al	2. ELECTORAL LAW – Elections / Candidates	661.317 (1,02%)
Electora	3. ELECTORAL LAW – Elections / Accountability	547.795 (0,85%)
	4. ELECTORAL LAW – Political Parties / Rendering of Accounts - From Financial Year	159.048 (0,25%)
	5. ELECTORAL LAW- Elections / Political Propaganda - Electoral Propaganda	82.127 (0,13%)

### Figure 214 - Most popular issues in the appeal courts

	1. PREVIDENCE LAW – Benefits in kind / Social Security sickness benefit	186.781 (6,61%)
_	2. PREVIDENCE LAW- Benefits in kind / Retirement Disability	124.063 (4,39%)
lera	3. PREVIDENCE LAW- Benefits in Spécie /51)	79.850 (2,83%)
Fec	4. PREVIDENCE LAW- Benefits in Spécie /6)	77.439 (2,74%)
	5. PREVIDENCE LAW – Generic Claims for Benefits in Kind / Granting	34.475 (1,22%)
	1. PREVIDENCE LAW- Supplier Liability / Indemnification for Moral Damage	267.598 (9,47%)
	2. PREVIDENCE LAW- Supplier's Liability / Compensation for Material Damage	190.383 (6,74%)
itate	3. CIVIL LAW- Civil Liability / Compensation for Moral Damage	145.651 (5,16%)
01	4. ADMINISTRATIVE LAW AND OTHER PUBLIC LAW ISSEUESBLICO – Civil Public Servant / Remuneration System and Benefits Do	110.041 (3,90%)
	5. CIVIL AND LABOR PROCEDURAL LAW Liquidation / No	109.064 (3,86%)

#### Figure 215 - Most requested issues in the special courts

	1. PREVIDENCE LAW- Benefits in kind / Social Security sickness benefit	1.127.046 (6,08%)
ederal	2. ADMINISTRATIVE LAW AND OTHER ISSEUES OF PUBLIC LAW- Political-Administrative Civil Servants' Compensation /Guarantee Fund for	902.960 (4,87%)
	3. PREVIDENCE LAW- Benefits in kind / Retirement Length of Service (Fondo de Garantia por Tempo de Serviço)	691.791 (3,73%)
Å	4. PREVIDENCE LAW- Benefits in kind /51)	495.591 (2,67%)
	5. RIGHT TOL-Emergency Aid (Law 13.982/2020)/	269.054 (1,45%)
	1. CONSUMER LAW- Supplier Liability / Indemnification for Moral Damage	1.811.946 (9,77%)
	2. CIVIL LAW- Civil Liability / Compensation for Moral Damage	812.612 (4,38%)
State	3. CIVIL LAW- Obligations / Species of Contracts	741.212 (4,00%)
	4. CONSUMER LAW- Supplier's Liability / Compensation for Material Damage	724.702 (3,91%)
	5. CIVIL LAW- Obligations / Types of Credit Titles	694.983 (3,75%)

The network diagrams in Figures 216 to 221 allow the identification of the frequently recurring issues per court.

In the State Justice diagram (Figure 216), it is possible to observe, for example, that the main issues registered in the TJSE differ from the most recurrent cases in the other courts, being located at the extreme of the figure. The frequently recurring issues in this court refer to civil and labor procedural law (Interim/liminary relief; Parties and Attorneys/Succession; and Free Legal Aid). One can also notice that the subject obligations/species of contracts is a knot present in several courts as well as the others already mentioned at the beginning of this section, such as the supplier's responsibility / compensation for moral damage and civil liability, which means that in almost all courts these are causes frequently brought to court. Furthermore, it is noticeable that the subject of domestic violence against women is present among the top five subjects in the TJDFT.

In the Federal Court (Figure 217), the central issue is benefits in kind - disability retirement and social security sickness benefit. It is also noteworthy that Tax Law appeared especially in the TRFs of the 2nd Region (active debt) and of the 3rd Region (social and corporate contributions).

The Labor Court (Figure 218) has a more homogeneous pattern, with many courts linked to the same issues. The main ones concern the termination of the Employment Contract and the employer's civil liability. TRT 18 stands out, with many collective labor law actions, and TRT1 and TRT9, which had some more frequent issues distinct from the other Regional Courts.

In the Electoral Justice (Figure 219), most of the cases are linked to the holding of Elections with main issues raised about candidates, accountability and positions. The five frequently recurring issues in the TRE-DF differ from the other bodies, appearing with more incidence in the issues referring to electoral crimes.

In the State Military Courts (Figure 220), crimes against functional duty and inquiries in administrative disciplinary proceedings were the most frequent subjects.

Among the Superior Courts (Figure 221), it is noteworthy that the subject covid-19 has appeared among the main ones in the STJ. Naturally, there is no intersection between the issues, because they have completely different jurisdictional competencies.



Figure 216 - Most requested issues by State Justice Court



Figure 218 - Most requested issues by Labor Court





Figure 219 - Issues most requested per electoral court







Figure 221 - Most requested issues by superior court

# 12.2 MOST RECURRING CLASSES

The unified procedural tables have six hierarchical degrees of classes. In the large group that encompasses "civil and labor cases "<sup>18</sup> (degree 1), there is a segmentation between "cognition cases", "execution cases", "appeals", among others (degree 2). At the next degree, in the class group "discovery processes", it is possible to know the type of procedure, whether it is a discovery procedure, a compliance procedure, a liquidation procedure, etc. (degree 3). Discovery procedures are distinguished by type, such as special civil or ordinary or summary or special court procedure (degree 4). At the next degree, special procedures are classified as being of contentious or voluntary jurisdiction, or governed by other codes, sparse laws, and regulations (degree 5). And at the sixth and last degree, it is possible to know if the case is a complaint, a public civil action, a habeas corpus, a writ of injunction, etc.

The information presented below covers the first to the third hierarchical degrees. For a better understanding of the meaning of each of the classes in the Unified Procedural Tables, it is necessary to access the public area of the Table Management System (SGT) at https://www. cnj.jus.br/sgt/consulta\_publica\_classes.php where it is possible to consult codes, glossaries, and legal provisions.

<sup>18</sup> Despite the nomenclature, this group of classes covers only civil cases in the State, Federal, Electoral, and Military Courts.

Figures 222 to 226 show the most requested subjects in general and by court segment, with detailed representation between second degree (Figure 223), first degree/common court (Figure 224), appeal courts (Figure 225), and first degree/special courts (Figure 226).

It is noticeable that, differently from what was observed when considering the issues, the State Court presents the class with the highest number of cases. The civil and labor trial procedures class had the highest number of cases in the State, Federal, and Labor Courts. In Electoral Justice, the most frequent class is registrations of candidacies, and in Military Justice, criminal actions.

Labor	1. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	5.419.632 (8,48%)
	2. CIVIL AND LABOR PROCEDURES – Appeals / Labor Appeals	1.435.709 (2,25%)
	3. CIVIL AND LABOR PROCEDURES- Hearing /Decision	125.260 (0,20%)
	4. CIVIL AND LABOR PROCEDURES – Execution Proceedings / Labor Execution Proceedings	71.033 (0,11%)
	5. CIVIL AND LABOR PROCEDURES- Precautionary Procedure / Anticipated Production of Evidence	20.864 (0,03%)
or	1. CIVIL AND LABOR PROCEDURES- Appeals / Labor Appeals	698.365 (1,09%)
	2. SUPERIOR COURT OF JUSTICE- Interlocutory Appeal in Special Appeal/	460.230 (0,72%)
peri	3. SUPERIOR COURT OF JUSTICE- HabeasCorpus/	182.111 (0,28%)
Su	4. SUPERIOR COURT OFJUSTICE- Special Appeal	129.591 (0,20%)
	5. SUPERIOR COURT OFJUSTICE- Ordinary Appealin Habeas Corpus/	41.365 (0,06%)
	1. MILITARY PROCEDURE - CRIMINAL PROCEDURE / Military Criminal Action - Ordinary Procedure	1.247 (0,00%)
a S	2. CIVIL AND LABOR PROCEDURES – Discovery Process / Discovery Procedure	1.189 (0,00%)
Stat	3. CIVIL AND LABOR PROCEDURES- Appeals / Civil Appeals	693 (0,00%)
2	4. CRIMINAL PROCEDURE- Guarantor Measures / Habeas Corpus Criminal	567 (0,00%)
	5. CRIMINAL PROCEDURE- Appeals / Criminal Appeal	541 (0,00%)
	1. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	5.799.520 (9,07%)
<u>a</u>	2. CIVIL AND LABOR PROCEDURES- Conhecimento Process /Decision	1.042.882 (1,63%)
der	3. CIVIL AND LABOR PROCEDURES- Resources / Civil Unnamed Appeal	750.277 (1,17%)
Fe	4. CIVIL AND LABOR PROCEDURES- Resources / Civil Appeal	616.179 (0,96%)
	5. CIVIL AND LABOR PROCEDURES- Execution Process / Tax Execution	442.322 (0,69%)
	1. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	18.713.511 (29,28%)
<b>a</b> 2	2. CIVIL AND LABOR PROCEDURES- Execution Proceedings / Tax Enforcement	6.423.575 (10,05%)
itati	3. CIVIL AND LABOR PROCEDURES- Discoveryment /Decision	3.606.052 (5,64%)
0	4. CIVIL AND LABOR PROCEDURES- Appeals / Civil Appeal	2.501.352 (3,91%)
	5. CIVIL AND LABOR PROCEDURES- Execution Process / Extrajudicial Title Execution	1.798.192 (2,81%)
	1. ELECTORAL PROCEDURE – Procedures Relating to the Holding of Elections / Registration of Candidates	623.936 (0,98%)
al a	2. ELECTORAL PROCEDURE – Procedures Relating to the Conduct of Elections / Rendering of Electoral Accounts	616.825 (0,97%)
ctor	3. ELECTORAL PROCEDURE – Procedures Related to Political Parties / Annual Accountability	166.798 (0,26%)
Eleo	4. ELECTORAL PROCEDURE- Electoral Appeals / Electoral Appeal	55.109 (0,09%)
	5. ELECTORAL PROCEDURE – Procedures Relating to the Conduct of Elections / Representation	52.875 (0,08%)

#### Figure 222 - Most requested classes

# Figure 223 - Most requested classes in the second degree

abor	1. CIVIL AND LABOR PROCEDURES- Appeals / Labor Appeals	1.434.837 (16,50%)
	2. CIVIL AND LABOR PROCEDURES – Discovery Process / Discovery Procedure	66.062 (0,76%)
	3. CIVIL AND LABOR PROCEDURES- Appeals / Embargoes	10.117 (0,12%)
Ľ,	4. CIVIL AND LABOR PROCEDURES- Urgent Temporary Relief and Evidence Temporary Relief / Antecedent Provisional Relief	3.537 (0,04%)
	5. CIVIL AND LABOR PROCEDURES- Other Procedures / Incidents	2.490 (0,03%)
-r	1. CIVIL AND LABOR PROCEDURES- Appeals / Civil Appeals	693 (0,01%)
	2. CRIMINAL PROCEDURE- Appeals / Criminal Appeal	541 (0,01%)
Stat	3. CRIMINAL PROCEDURE- Guarantor Measures / Habeas Corpus Criminal	484 (0,01%)
2	4. CRIMINAL PROCEDURE- SPECIAL PROCEDURES PROVIDED FOR IN SPECIAL LAWS / Loss of Graduation	266 (0,00%)
	5. CRIMINAL PROCEDURE- Appeals / Strictu senso appeal	226 (0,00%)
	1. CIVIL AND LABOR PROCEDURES- Appeals / Civil Appeal	615.343 (7,07%)
<u>l</u> e	2. CIVIL AND LABOR PROCEDURES- Appeals	323.431 (3,72%)
eder	3. CIVIL AND LABOR PROCEDURES – Appeals / necessary remittance	95.854 (1,10%)
Ę	4. CIVIL AND LABOR PROCEDURES- Appeals / Civil Remittance	69.348 (0,80%)
	5. CRIMINAL PROCEDURE- Appeals	22.409 (0,26%)
	1. CIVIL AND LABOR PROCEDURES- Appeals / Civil Appeal	2.487.580 (28,60%)
	2. CIVIL AND LABOR PROCEDURES- Appeals	1.689.435 (19,42%)
tate	3. CRIMINAL PROCEDURE - Appeals	507.855 (5,84%)
S	4. CRIMINAL PROCEDURE- Guarantee Measures / Habeas Corpus	464.347 (5,34%)
	5. CRIMINAL PROCEDURE- Appeals / Interlocutory Appeal	179.790 (2,07%)
	1. ELECTORAL PROCEDURE- Electoral Appeals / Electoral Appeal	55.109 (0,63%)
la	2. ELECTORAL PROCEDURE – Procedures Relating to the Conduct of Elections / Rendering of Accounts	4.661 (0,05%)
scto	3. CIVIL AND LABOR PROCEDURES – Discovery Process / Discovery Procedure	4.320 (0,05%)
Ele	4. ELECTORAL PROCEDURE – Procedures Relating to the Conduct of Elections / Rendering of Electoral Accounts	2.155 (0,02%)
	5. ELECTORAL PROCEDURE – Procedures Related to Political Parties / Annual Accountability	2.050 (0,02%)

#### Figure 224 - Most recurrent classes in the first degree (courts)

abor	1. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	5.353.570 (14,39%)
	2. CIVIL AND LABOR PROCEDURES- Hearing /Decision	125.217 (0,34%)
	3. CIVIL AND LABOR PROCEDURES- Execution Proceedings / Labor Execution Proceedings	71.033 (0,19%)
Ľ	4. CIVIL AND LABOR PROCEDURES- Precautionary Procedure / Anticipated Production of Evidence	20.858 (0,06%)
	5. CIVIL AND LABOR PROCEDURES- Execution Proceedings / Tax Enforcement	7.260 (0,02%)
e IIV	1. MILITARY PROCEDURE – CRIMINAL PROCEDURE / Military Criminal Action - Ordinary Procedure	1.247 (0,00%)
	2. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	1.087 (0,00%)
Stat Alliti	3. MILITARY PROCEDURE - CRIMINAL PROCEDURE / Investigative Procedures	423 (0,00%)
~	4. PENAL IMPLEMENTATION AND ALTERNATIVE MEASURES-Execution of the Penalty/	172 (0,00%)
	5. CRIMINAL PROCEDURE- Investigative Procedures / Arrest in Flagrante	112 (0,00%)
	1. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	935.755 (2,52%)
-	2. CIVIL AND LABOR PROCEDURES- Execution Process / Tax Execution	442.223 (1,19%)
dera	3. CIVIL AND LABOR PROCEDURES- Discovery Process /Decision	354.996 (0,95%)
Fe	4. CIVIL AND LABOR PROCEDURES- Execution Process / Extrajudicial Title Execution	47.068 (0,13%)
	5. CIVIL AND LABOR PROCEDURES- Execution Proceedings / Embargoes	42.662 (0,11%)
	1. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	12.063.337 (32,43%)
	2. CIVIL AND LABOR PROCEDURES- Execution Proceedings / Tax Enforcement	6.423.288 (17,27%)
tate	3. CIVIL AND LABOR PROCEDURES - Hearing /Decision	2.609.775 (7,02%)
S	4. CRIMINAL PROCEDURE – Precautionary Measures / Emergency Protective Measures (Maria da Penha Law) Criminal	1.058.786 (2,85%)
	5. CRIMINAL PROCEDURE - Investigative Procedures / Police Investigation	969.727 (2,61%)
	1. ELECTORAL PROCEDURE – Procedures Relating to the Holding of Elections / Registration of Candidacy	623.470 (1,68%)
al a	2. ELECTORAL PROCEDURE – Procedures Relating to the Conduct of Elections / Rendering of Electoral Accounts	614.670 (1,65%)
Elector	3. ELECTORAL PROCEDURE – Procedures Related to Political Parties / Annual Accountability	164.748 (0,44%)
	4. ELECTORAL PROCEDURE – Procedures Relating to the Conduct of Elections / Representation	51.204 (0,14%)
	5. ELECTORAL PROCEDURE – Procedures Related to Elections / Notices of Irregularities in Electoral Propaganda	28.030 (0,08%)

#### Figure 225 - Most recurrent classes in the appeal courts

	1. CIVIL AND LABOR PROCEDURES – Appeals / Civil Inominate Appeal	699.233 (33,10%)
_	2. CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	98.424 (4,66%)
dera	3. CIVIL AND LABOR PROCEDURES – Appeals / Appeal for Civil Injunction	20.619 (0,98%)
Fe	4. CIVIL AND LABOR PROCEDURES – Execution Process / Enforcement of Judicial Title	8.315 (0,39%)
	5. CIVIL AND LABOR PROCEDURES- Appeals	6.998 (0,33%)
	1. CIVIL AND LABOR PROCEDURES – Appeals / Civil Inominate Appeal	1.115.718 (52,82%)
	CIVIL AND LABOR PROCEDURES- Appeals / Civil Inominate Appeal CIVIL AND LABOR PROCEDURES- Appeals	1.115.718 (52,82%) 49.244 (2,33%)
tate	CIVIL AND LABOR PROCEDURES- Appeals / Civil Inominate Appeal CIVIL AND LABOR PROCEDURES- Appeals CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure	1.115.718 (52,82%) 49.244 (2,33%) 38.213 (1,81%)
State	CIVIL AND LABOR PROCEDURES- Appeals / Civil Inominate Appeal CIVIL AND LABOR PROCEDURES- Appeals CIVIL AND LABOR PROCEDURES- Discovery Process / Discovery Procedure CIVIL AND LABOR PROCEDURES- Appeals / Embargoes	1.115.718 (52,82%) 49.244 (2,33%) 38.213 (1,81%) 19.349 (0,92%)

#### Figure 226 - Most requested classes in the special courts

	1. CIVIL AND LABOR PROCEDURES – Discovery Process / Discovery Procedure	4.741.745 (33,08%)
deral	2. CIVIL AND LABOR PROCEDURES- Discovery Process / Decision	666.155 (4,65%)
	3. CIVIL AND LABOR PROCEDURES- Appeals / Civil Inominate Appeal	43.721 (0,31%)
Бе	4. CIVIL AND LABOR PROCEDURES – Execution Process / Enforcement of Judicial Title	11.399 (0,08%)
	5. CIVIL AND LABOR PROCEDURES- Execution Process / Extrajudicial Title Execution	1.880 (0,01%)
	1. CIVIL AND LABOR PROCEDURES – Discovery Process / Discovery Procedure	6.490.044 (45,28%)
	2. CIVIL AND LABOR PROCEDURES- Discovery Process / Decision	986.812 (6,88%)
tate	3. CIVIL AND LABOR PROCEDURES- Execution Process / Extrajudicial Title Execution	842.054 (5,87%)
ŝ	4. CRIMINAL PROCEDURE – Investigative Procedures / Circumstantiated Term	288.682 (2,01%)
	5. CRIMINAL PROCEDURE – Common Procedure / Criminal Action - Summary Procedure	92.419 (0,64%)

# 13 AGENDA 2030 WITHIN THE BRAZILIAN JUDICIARY

The global Agenda 2030 is a commitment assumed by leaders from 193 countries, including Brazil, and coordinated by the United Nations (UN). This agenda was welcomed by the Brazilian Judiciary, through the National Council of Justice, and had as its initial milestone the creation of the Interinstitutional Committee of the 2030 Agenda.

There are 17 Sustainable Development Goals (SDGs) and 169 targets to be achieved in the period from 2016 to 2030, related to the realization of human rights and sustainable development.

For the purposes of graphic representation, the SDGs were grouped into themes, as follows.

# **1. SOCIAL THEME**

- ▶ SDG-1: End poverty in all its forms, everywhere;
- ▶ SDG-2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture;
- ▶ SDG-3: Ensure healthy lives and promote well-being for all at all ages;
- SDG-4: Ensure inclusive, equitable and quality education and promote lifelong learning opportunities for all;
- ▶ SDG-5: Achieve gender equality and empower all women and girls;
- ▶ SDG-10: Reduce inequality within and among countries;

# **2. ENVIRONMENTAL THEME**

- ▶ SDG-6: Ensure availability and sustainable management of water and sanitation for all;
- ▶ SDG-7: Ensure reliable, sustainable, modern and affordable access to energy for all;

- ▶ SDG-12: Ensure sustainable consumption and production patterns;
- ▶ SDG-13: Take urgent action to combat climate change and its impacts;
- ▶ SDG-14: Conservation and sustainable use of the oceans, seas and marine resources for sustainable development;
- ▶ SDG-15: Protect, restore and promote the sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss;

# **3. ECONOMIC THEME**

- ▶ SDG-8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;
- SDG-9: Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation;
- SDG-11: Make cities and human settlements inclusive, safe, secure, resilient and sustainable;

# **4. INSTITUTIONAL THEME**

- SDG-16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all degrees;
- ▶ SDG-17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Figure 227 presents the number of new cases by SDG. As verified in the section "Frequently Recurring Issues", there are conceptual differences between the cases filed by SDG and the total number of new cases reported in the other sections of this Report, since more than one issue can be registered in the same case. When this occurs, everyone is accounted for. Thus, the numbers presented do not reflect the number of cases filed, but only the number of cases
registered in certain subjects that make up each SDO. This duplicity does not occur in SDG16, because, as practically all issues of the CNJ's Unified Procedural Table are considered, the total number of new cases is used in this SDG.



#### Figure 227 - Number of new cases by SDG

The historical series of the SDGs falling under the social theme are represented in Figure 228, covering SDG-3 (healthy living) and SDG-10 (reduce inequality), and in Figure 229, covering SDG-1 (eradicate poverty), SDG-2 (eradicate hunger), SDG-4 (quality education), and SDG-5 (gender equality).



Figure 228 - Number of new cases (in millions) by SDG on social topics: SDG-3 (healthy living) and SDG-10 (reducing inequality)

Figure 229 - Number of new cases (in thousands) by SDG on social topics: SDG-1 (eradicate poverty), SDG-2 (eradicate hunger), SDG-4 (quality education) and SDG-5 (gender equality)



The historical series of the SDGs falling under the environmental theme, are represented in Figure 230, covering SDG-6 (clean water and sanitation) and SDG-7 (renewable and affordable energy); in Figure 231, covering SDG-13 (action against global climate change), SDG-14 (life on water), and SDG-15 (terrestrial life); and Figure 232, covering SDG-12 (responsible production and consumption).



Figure 230 - Number of new cases (in thousands) by SDG in the environmental themes of SDG-6 (clean water and sanitation) and SDG-7 (renewable and affordable energy)

Figure 231 - Number of new cases (in thousands) by SDG in the environmental themes of SDG-13 (action against global climate change), SDG-14 (life on water) and SDG-15 (terrestrial life)





Figure 232 - Number of new cases (in millions) by SDG in the environmental theme of SDG-12 (responsible production and consumption)

The historical series of the SDGs under the economic theme are represented in Figure 233, covering SDG-8 (decent work and economic growth), SDG-9 (industry, innovation and infrastructure) and SDG-11 (sustainable cities and communities).

Figure 233 - Number of new cases (in millions) by SDG in the economic themes of SDG-8 (decent work and economic growth), SDG-9 (industry, innovation and infrastructure) and SDG-11 (sustainable cities and communities)



In institutional themes, there is data only in SDG-16 (peace, justice and effective institutions), as shown in Figure 234.

#### Institutional Issues



Figure 234 - Number of new cases (in millions) by SDG in institutional theme - SDG-16 (peace, justice and effective institutions)

## 14 ENVIRONMENT AND HUMAN RIGHTS

This chapter deals with judicial activity in the protection of environmental and human rights, in view of the creation of the Observatory of Human Rights of the Judiciary and the Observatory of the Environment of the Judiciary, which took place on September 17, 2020, and in continuity with the previous edition of the Justice in Numbers report, which inaugurated the present theme.

The environment data were obtained through DataJud, and the environment statistics through the Sirenejud platform, an interactive panel that makes available the number of lawsuits related to the environment.

The Environmental Law subject family (code 10110) and the Environmental Law classes, available in the Unified Procedural Tables of the Judiciary, were used in the Environmental Law subject family; and, regarding the Human Rights subjects, the Constitutional Guarantees branch (code 9986 and its child codes) was used, which is within the Administrative Law and other subjects branch. The subjects of land policy and agrarian reform (code 11873), labor law with special protection for the handicapped and indigenous (code 13041 and its daughter codes), and migrants and refugees (code 12620) were also used.

### 14.1 ENVIRONMENTAL DATA

According to the analysis of the statistical data about the environmental lawsuits that entered the Judiciary in 2021, it can be seen that the most significant portion is in the first degree, with 47%, and that 38% are in the Special Courts, according to Figure 235.

There is a significant increase in the number of cases in 2021, totaling 89,000 cases and consisting of a 10.4% increase over 2020, when the total was 81,000 cases (Figure 236).

Among the environmental issues most requested in court in 2021, represented in Figure 237, are crimes against flora, crimes against fauna and crimes against the environment and genetic patrimony, which shows the direct relationship with environmental degradation, not representing, for the most part, the filing of environmental lawsuits of nature merely administrative or bureaucratic. It is also noticeable that flora is a more recurrent subject than fauna.

The courts that have the most environmental cases in absolute numbers are TJMG, TJSP, TJRS, TJSC and TRF1 (Figure 238). However, when the calculation is based on the number of environmental cases per hundred thousand inhabitants of the State Courts, the courts that stand out with the highest indexes are TJRO (with a wide difference from the others), followed by TJSC, TJRR, TJRS, TJMG, TJES and TJMT (Figure 239).



Figure 235 - Number of new environmental cases by degree of jurisdiction

Figure 236 - Monthly historical series of the number of new environmental cases





Figure 237 - Most requested environmental issues



Figure 238 - New environmental cases, by court



#### Figure 239 - New environmental cases per hundred thousand inhabitants, according to court

### 14.2 HUMAN RIGHTS DATA

The choice of Human Rights subjects according to the Unified Procedural Tables of the Judiciary followed the selection of the "Constitutional Guarantees" branch within the "Administrative Law and other Law subjects" family. It was decided not to cover the tree of Health Law and Right to Education, since there is a multiplicity of subjects within the branch of health and right to education that could numerically distort the punctual demands on fundamental rights.

In Figure 240 you can see that the claims related to Human Rights were concentrated in the First Degree (59%), followed by the Second Degree (28%). The Special Courts are in third place, with 9% of the total.

In 2020, given that it is a global pandemic year with a lot of demand for welfare benefits, there has been an increase in the number of new cases in welfare. This can be seen in Figure 241, which shows the timelines of new human rights cases. It can be seen that in 2020 there was a peak in the number of human rights cases, including social assistance, and in 2021 the number was much lower, with a 14.5% decrease. This is in view of the subject "social assistance" (code 11847), which is within the "Constitutional Guarantees" branch.

There was an increase in the overall number of new Human Rights cases in 2021, following the same growth trend as in 2020, if one disregards the retraction due to social welfare cases. This is, therefore, an increase of 2.5% in this theme, as shown in Figure 241. Thus, it was not only the demands of social assistance in a year of public health exceptionality that had an impact. The other human rights claims also showed an increase in the pandemic and post-pandemic period. It is requested to disregard the period prior to 2020, in view of the fact that there is a time cut in the obligation to send data to the DataJud database. This way, the processes concluded before 2020 are not computed, generating a smaller quantity than the reality in the periods before 2020. To check for a possible trend, we have the monthly timeline in Figure 242, which shows some significant peaks in June and July 2020, as well as in March 2021, and few filings in April 2020 and January 2021.

The most recurrent Human Rights issues in 2021, besides social assistance, were respectively concerning the rights of the disabled, the elderly, housing, food, political amnesty, protection of privacy and data secrecy, and non-discrimination (Figure 243).

The Courts that have received more demands regarding Human Rights in absolute numbers, as shown in Figure 244, were the TJSP, TJAL, TJPA, TRF3, TJMA, TJBA, TRF2 and TJSC. Considering the State Courts only, and calculating the demand for human rights cases per 100 thousand inhabitants, it can be seen that the TJAL, with a large difference in relation to the others, the TJAP and TJPA present the highest indices in relation to the others (Figure 245).



Figure 240 - Number of new human rights cases by degree of jurisdiction

Figure 241 - Annual historical series of the number of new human rights cases



Figure 242 - Monthly historical series of the number of new cases on Human Rights





#### Figure 243 - Most popular Human Rights issues



Figure 244 - New Human Rights cases, by court



#### Figure 245 - New Human Rights Cases per 100,000 population, according to court

# **15 FINAL CONSIDERATIONS**

Throughout this report, the main data of the Judiciary were presented, with detailed information about the performance of the Judiciary, its expenses, and its structure. This report presents 13 years of statistical data collected by the CNJ, using a standardized, consolidated, and uniform data collection methodology across all 90 courts.

The main innovation of this year's report is that the procedural statistics from 2020 onward were generated from DataJud. Maintaining the same structure of an already consolidated report, with the same measurement methodology, but with a totally different form of calculation, in which the CNJ starts to centralize the entire mass of procedural data and the entire calculation procedure, with the elimination of manual procedures and electronic forms sent by the courts, was a major challenge.

This initiative allows for more reliable statistical measurement, as it eliminates the risk of one court applying different business rules in handling the data than others, which could generate undue comparisons. Another major advantage is the optimization of the work force, because the effort that was previously decentralized among 90 courts for the generation of statistics will now be performed at the CNJ based on information recorded in the procedural systems.

For the second year in a row, the year 2021 was still an atypical period. At the beginning of the year Brazil and the world were hit by high death rates caused by the pandemic caused by covid-19, and the restrictions on social coexistence remained in force in this second year of the pandemic, especially during the first half of the year, and before the vaccines were made available to the entire Brazilian population. Even so, the programs instituted by the CNJ in the scope of the Justice 4.0 Program, in which several initiatives have made it possible that, even remotely, jurisdictional services remain available and providing service to the population seeking justice.

The "Justice 4.0 Program - Innovation and effectiveness in delivering Justice for all" was one of the main innovations for the Brazilian Judiciary in this pandemic period, since it propitiated the digital transformation in Justice and expanded access to justice through the creation of the 100% Digital Judgment, the Virtual Desk, the Digital Platform of the Judiciary (PDPJ), the increase in the quality of DataJud data, and the Codex system. These innovations have contributed to the improvement of the jurisdictional provision and the reduction of budget expenses.

In 44 courts, it is possible to identify 100% adherence to the 100% digital judgment, which already covers 67.7% of all court offices. In these jurisdictional units, all procedural acts can be practiced by electronic and remote means, including hearings and trial sessions. There are 73 Justice 4.0 cores in operation. This new institute allows for a new way of structuring justice, more innovative and efficient, in the sense that the specialization in relevant legal issues is now done in a totally virtual way and without new physical structures, which generates savings for the public coffers and quality service to the court that seeks justice for the solution of its conflicts.

The CODEX platform is already a reality in 81.3% of the agencies and PDPJ is installed in 83.5%. With CODEX, the CNJ receives not only metadata, but also procedural pieces, which can be used as input for artificial intelligence.

For the second year in a row, the Judiciary registered a reduction in its spending. The financial savings came along with increased productivity, which confirms the hypothesis that the digital transformation of the Judiciary has generated positive results and savings for the public authorities. The drop in budget expenditures is noteworthy because it occurs even when compared to 2020, after the resumption of part of the in-person services and the beginning of vaccinations, a moment that coincides with the entry into force of the public policies of the Justice 4.0 Program, such as Virtual Desk, 100% Digital Judgment and Justice 4.0 Centers. The observed decrease was in the order of 5.6% in relation to the last year, considering the values adjusted for inflation, in order to allow a proper comparison. This decrease was caused, especially, by the variation in the capital expenditure item (2.4%) and in personnel expenditure (6.7%). The cost for the justice service per inhabitant was also reduced by 6.2% from 2020 to 2021, reaching a cost of R\$489.91 per citizen.

The Judiciary is also a source of revenue for the public coffers, having generated, during the year 2021, as a result of judicial activity, R\$ 73.42 billion, a return on the order of 71% of the expenses incurred. This was the second highest amount earned in the historical series. A large part of this collection comes from the payment of debts resulting from tax foreclosures (R\$ 44.6 billion) and collection of court costs (R\$ 14.5 billion). This also includes other revenues such as those collected in causa mortis taxes on inventories/legal executions, social security enforcement, enforcement of penalties imposed by labor relation inspection agencies, and income tax.

The Brazilian justice system provides free services to the population, without fees, in almost half of the cases, since 20.3% of the cases in progress are criminal or special courts, in which no fees are charged, and, among the other cases, 30% were granted free legal aid.

Data on the structure of the Judiciary shows the existence of 14,799 first degree judicial units, which include the courts, special courts, electoral registries and the military audits. Especially in the State Courts, some of these units are organized in specific subjects of law, in order to allow a more specialized service in relevant themes, as in the case of domestic violence, jury court,

tax foreclosures, health, among others. With the Justice 4.0 Core, this specialized service is now also virtual. The Monthly Productivity Module catalogs 38 types of competence and makes the list of all these units available to the public, as shown on the DPJ dashboard page(https://www.cnj.jus.br/pesquisas-judiciarias/paineis-cnj/). Of these first degree units, 67.5% already function in the 100% digital judgment mode, in which all procedural acts are performed digitally.

The data presented also reveal the great capillarity of Justice. Of the 5,570 Brazilian municipalities, 2,654 (47.6%) are the seat of a judicial district in the State Courts and they cover 89.7% of the resident population. In this way, justice is located in areas of higher population concentration, which provides more access to justice and reaches a larger number of people. There are, however, several judicial units that are located in international border territories, which demonstrates the importance of the Judiciary for national security and territorial sovereignty, as indicated in chapter 2. There are 588 Brazilian municipalities located in the border region, of which 233 (39.6%) are the seat of a state judicial district.

Even with all the difficulties faced in the year 2021 because of the pandemic, the Judiciary still managed to increase its productivity, as well as the demand for justice services.

Access to justice increased in 2021, and recorded 2.6 million more new cases than in 2020. There were 27.7 million lawsuits filed during the year. The number of disposed cases also grew, by 2.7 million (10.4%), and the number of cases tried by 2.7 million (11.3%). Even so, the procedural stock has grown by 1.5 million cases, ending the year 2021 with a balance similar to that seen before the pandemic began in 2019. In all, there are 77.3 million cases in progress.

Although there has been an increase in the number of pending cases, excluding suspended or on hold cases or those on provisional file, there have been successive reductions in the net backlog, that is, in those cases in which the Judiciary can effectively act. In 6 years, the number of net pending cases has reduced from 67.3 million to 62 million.

Even though 27.7 million lawsuits were filed, this calculation may incur in duplicity when the same lawsuit, in the same year, is filed in different instances and stages. This is the case, for example, of a process that enters the first degree of discovery phase and, in the same year, submits an appeal to the second degree and starts the judicial execution in the first instance. If only actions originating in the courts are considered, the and extrajudicial executions, there will be 19.1 million cases filed in the Judiciary in 2021.

It can be seen that the growth of pending cases occurred in both the discovery and execution phases, with a variation of 2.1% and 1.7% in each respective phase.

The number of magistrates remained stable, at 18,035, with no changes in 2021. The number of public servants was reduced by 0.6% to 266,338, which has a direct impact on the reduction of expenses in the courts. In all, there are 424,911 collaborators working on behalf of justice, including judges, civil servants, third-party employees, interns, lay judges, and conciliators.

In Brazil there is a ratio of one magistrate for every group of 11,764 people, with 38% of the magistracy being female. By way of comparison, in Europe this same ratio is twice as high: 1 magistrate for 5,690 people, and women represent more than half of the Judiciary, 58.6%.

There was an increase in the average productivity of the magistrates by 11.6%, with an average of 1,588 disposed cases of per magistrate. Considering only the working days of 2021 and not considering the existence of recess periods (but considering vacations), the figure implies the solution of approximately 6.3 cases per day. The Productivity Index of the Judicial Area's Servants grew 13.3%, which means an average of 16 more cases dropped per server compared to 2020. The increase in productivity occurred in a coordinated manner, as it was seen in both degrees of jurisdiction.

This effort culminated in a congestion rate of 74.2%, 1.6 percentage points lower than the previous year. Approximately 26% of all cases that went through were resolved. Disregarding the cases that are suspended, on hold in suspense or in provisional file awaiting some future legal situation, the net congestion rate fell to 69.7% (4.4 percentage points less than the gross rate). It is relevant to clarify that not all the processes that go through in a year are apt to be resolved, due to the existence of legal deadlines, the need to wait for payment of court-ordered debt payments or homologated agreements, among several other possible legal situations. The measurement of this data was possible due to the equalization of data promoted by DataJud, a product of the Justice 4.0 Program in conjunction with DPJ.

The first degree of jurisdiction has the largest volume of cases, with 93.1% of pending cases, 83.8% of new cases, 83.6% of the judicial officers, and 86% of the judges. The average productivity per judicial officer and per magistrate, which historically was higher in the first degree than in the second, has inverted the trend, with better results in the second degree of jurisdiction.

Although there has been progress in the National Prioritization Policy, the differences in workload and congestion rate among the degrees of jurisdiction are still large, especially when considering the stock of pending lawsuits.

The congestion rate of the first degree remains, in general, higher than that of the second degree, with a difference of 20 percentage points (76.5% in the first degree and 52% in the second degree).

Conciliation, a permanent policy of the CNJ since 2006, shows no evolution. In 2021, 11.9% of cases were solved by conciliation, a similar figure to that measured in previous years. There is growth, however, in conciliation in the execution phase, which went from 3.5% to 8.1% over the last 6 years.

By segment of justice, the best conciliation rates are in the learning phase of Labor Justice (33%), in the execution of the Special Federal Courts (JEF) (24%), and in the learning phase of the Special Courts in State Justice (20%).

Data from the digital transformation policy reveal huge advances. The data show that the set of initiatives aimed at providing services in virtual format and improving procedural systems, such as the 100% digital judgment, the Justice 4.0 Centers, the virtual desk, and the PDPJ and COEDEX platforms, contribute to procedural speed.

The time to resolve a physical case averaged 6 years and 6 months, while the electronic case was resolved in 1 year and 10 months, that is, more than three times as long. Of the lawsuits that are being processed in physical form, there is a waiting period for the court, on average, of 9 years and 9 months, while in the actions that are processed in electronic systems, the duration is reduced to 3 years and 4 months. Electronic processes already represent the reality in 97.2% of the new cases, 80.8% of the processes in progress, and 89.1% of the cases disposed. The numbers, thus, demonstrate the effectiveness of the digital transformation policy of the Justice 4.0 Program of the Judiciary and how virtualization can contribute significantly to the speed and greater judicial efficiency.

In the chapter containing the analysis of the competencies of the State Justice judicial units, it is verified that there are a large number of single courts, with 31.2% of the Brazilian municipalities having only one court. Furthermore, 65% of the judicial units are single court or have exclusive civil or criminal jurisdiction, the others are exclusive or work with other cumulative jurisdictions.

The average elapsed times from the filing of the lawsuit until the first judgment or the first dismissal of the case, or until the base date of December 31, 2021 in the case of pending cases, have all remained fairly stable over the past year. The average duration was 2 years and 1 month for those judged; 2 years and 3 months for those dismissed; and 4 years and 7 months for those pending.

The largest ranges of procedural duration are concentrated in the pending process time, specifically in the execution phase (5 years and 11 months). When disregarding the suspended, on hold or provisionally filed cases and executions, the average time of the backlog reduces from 4 years and 7 months to 2 years and 8 months. Tax executions remain a bottleneck in the Judiciary and comprise 26.8 million (34.7%) of the total number of pending cases, with the highest rate of congestion in the Judiciary (89.7%). Three courts hold 66% of the tax executions in progress in the country: TJRJ, TJSP and TRF3.

There was a 1.7% increase in pending executions due to a variation in judicial executions (9%). The number of tax executions under way remained almost constant in the last year, with an increase of only 0.8%.

As far as criminal jurisdiction is concerned, in 2021, the Judiciary had a total of 7.6 million criminal cases in progress, of which 5.4 million were in the discovery phase and 2.3 million in criminal execution. The number of pending criminal executions grew both among the imprisoned (1.4 million pending actions) and the non-custodial ones (903,000 pending actions). In the new sentences applied, alternative sentences prevailed (64.1%).

The criminal cases that were dismissed in 2021 lasted, on average, 2 years and 11 months in the discovery phase, 3 years and 5 months in the execution of alternative sentences, and 4 years and 6 months in the execution of freedom-restricting sentences. It is worth remembering that, while the case is pending trial or on appeal, the defendant may remain in prison, serving part of his or her sentence before conviction, which is later deducted from the time spent in actual criminal execution. This helps explain why the time of criminal execution may not correspond to the time of the sentence imposed.

The indicators presented in this edition of the Justice in Numbers Report summarize the main results achieved by the Judiciary in 2021, enabling the identification of advances, such as the increase in the volume of cases tried and disposed, with a reduction in the budget and showing the efficiency of the new innovative policy aimed at the digital transformation of the Justice 4.0 Program, which makes the Judiciary faster and resolves cases in one third of the time, when compared to physical records.

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# 17 ANNEX A - METHODOLOGY

The Justice in Numbers Report is regulated by Resolution CNJ No. 76, of May 12, 2009, and is part of the Judiciary Statistics System (SIESPJ).

The following courts are part of SIESPJ:

- ▶ Superior Court of Justice (STJ);
- ▶ Superior Military Court (STM);
- ▶ Superior Labor Court (TST);
- ► Superior Electoral Court (TSE);
- ▶ 5 Federal Regional Courts (TRFs);
- ▶ 24 Regional Labor Courts (TRTs);
- ▶ 27 Regional Electoral Courts (TREs);
- ▶ 3 State Military Courts of Justice (TJMs);
- ▶ 27 Courts of Justice (TJs).

The SIESPJ data must be informed by the presidency of the courts, which may delegate the task of generating, checking, and transmitting the statistical data to a magistrate or specialized employee of the Statistics Center. The presidency of the courts is responsible for the reliability of the information submitted to the National Council of Justice.

The SIESPJ covers the Judiciary's key statistical indicators and consolidates information on revenues, expenses, structure, and litigiousness for all bodies.

The data referring to the litigiousness module is reported biannually, while the others are reported annually. The statistical data of the first half of the base year are transmitted in the period from July 10 to August 31 of the same base year. Annual and second semester data are transmitted between January 10th and February 28th of the year following the year of the base year. The deadlines for rectifying the data are between March 15 and April 15, and between

September 15 and October 15. Failures to provide data must be corrected by the courts within ten days of notification.

The Judicial Research Department receives the statistical data sent by the courts under the supervision of the Permanent Committee on Strategic Management, Statistics and Budget. The first edition of **Justice in Numbers** occurred in 2004 and expanded the guiding principles of the National Database of the Judiciary (BNDPJ), which served as a foundation for Resolution CNJ No. 15, issued on April 20, 2006. 15, issued on April 20, 2006, a milestone for the methodology of statistical data collection in federal, state and labor courts and for the inauguration of the historical series in 2004, which lasted until 2008.

In order to contribute to improving the SIESPJ and to continue the process of improving the data of the **Justice in Numbers Report**, Resolution CNJ No. 76/2009 was issued. This regulation has guided data collection and systematization since 2009, the starting point of the current historical series. Since then, litigation data, when applicable to each branch of justice, has been collected in the form of the diagram in Figure 246.



Figure 246 - Typology of litigation data, according to the annexes to Resolution CNJ No. 76/2009

In 2011, the elaboration of statistical indicators for the Superior Court of Justice, the Electoral Justice, the Military Justice of the Union and the Military Justice of the States was concluded, and they are now included in the annexes of Resolution CNJ No. 76/2009.

In 2015, two major changes occurred in the Judiciary Statistics System: the creation of the monthly productivity module and the revision of the indicators.

The monthly productivity module resulted from the migration from the former Open Justice system, which was managed by the National Inspector General's Office, to SIESPJ. The systematization of data submission was reformulated, the concepts and the way of calculating litigiousness data were altered and aligned with those used in the **Justice in Numbers** report.

As of 2016, with the implementation of the productivity module, the courts began to transmit the information on a monthly basis and by judicial office.

Conducted by the CNJ's Strategic Management, Statistics and Budget Commission, the revision of the glossaries and indicators in Annex I of Resolution CNJ No. 76/2009 created new indicators and improved old ones. The new indicators have their historical series started in 2015.

In 2018, the productivity module underwent a new reformulation, when variables were included with the aim of measuring conciliation, in the pre-procedural phase; interlocutory decisions; winning votes; and cases awaiting examination by another office in the collegiate bodies.

Finally, in 2020, CNJ Resolution No. 331, of August 20, 2020, was issued, establishing the National Database of the Judiciary (DataJud) as the primary source of data for the Judiciary's Statistics System (SIESPJ). The change had a significant impact on the collection of data from the courts and the CNJ, which became responsible for centralizing calculations and generating all variables and indicators that make up this report and other panels already developed with information from DataJud.generation of all variables and indicators that make up this report and the other panels already developed with information from DataJud. From the issue of the norm to the effective use of the data, there was a great deal of work involved in sanitation, which included webinars, training, meetings, and the development of tools to support the identification of inconsistencies. All the work culminated in the publication of this report, which for the first time uses DataJud data.

Figure 247 shows the flow of the Justice in Numbers Report from data submission and rectification by the courts to the current format of the report:



Figure 247 - Flow of the Justice in Numbers Report

Descriptions of the techniques and methodologies used in this report are presented below.

### **17.1 INFOGRAPHICS**

Infographics are, by definition, a set of graphical resources used in the presentation and synthesizing of data with the aim of facilitating the visual understanding of information. In this way, the following data is expressed in a clear and intuitive way: budget; work force; average time of proceeding; general data on litigiousness; productivity indicators of the branch of justice; productivity indicators of the magistrates; and productivity indicators of the servants of the judicial area.

The first part of the infographic shows data for the 2017 base year on the court's expenses and workforce, subdivided into judges, civil servants, and auxiliary personnel (lay judges, conciliators, third-party employees, interns, and volunteers).

The time from initial to judgment, time from initial to dismissal, and the time of the pending case are graphically presented, separated by degree of jurisdiction; and, in the first degree, by the stages of discovery and execution.

The last part exposes the main indicators of each branch of justice, separated by degree, type, and phase, in the following categories: procedural movement, court management, and productivity per judge and per server.

## 17.2 VENN DIAGRAM

The Judiciary has a peculiar characteristic, since judges can accumulate functions in the common court (first degree), in the special courts, and in the appeals courts. In this way, to compose the total number of magistrates, it is necessary to separate them into some groups: a) first degree exclusives; b) special courts exclusives; c) appeal courts exclusives; d) both first degree and special courts; e) both first degree and appeal courts; and f) both special courts and appeal courts. One way to schematically present problems concerning sets and their intersections is the Venn Diagram, a technique widely used in mathematics.

The Venn Diagram consists of the use of closed geometric figures, usually circles, symbolizing sets that allow one to verify the existence or not of intersection. Thus, the overlapping area of two or more circles means that there are elements that are part of the sets simultaneously. The figures that do not touch indicate no intersection.

In the report, Venn diagrams are used to illustrate the distribution of magistrates and public servants among the various areas of assignment. To increase the information made available by the diagram, the size of the circle corresponding to each area will be proportional to the quantity of magistrates or servants allocated to it. As an example, Figure 248 shows the jurisdiction of the magistrates in the first two degrees of jurisdiction.





The graph indicates that there is no intersection between the second degree, made up of appellate judges and substitute judges, and the first degree, with judges of law. As for these, it is observed that they can act simultaneously in different areas, which shows that it would not be possible to simply add up the quantities presented, due to the existing intersections. The sum of the magistrates who work in each area is 19,560, while there are 15,505 law judges. This shows that there are 4,055 magistrates with an accumulation of activities. The various intersections have not been shown due to the difficulty of visualizing information in such detail.

## 17.3 CLASSIFICATION OF THE COURTS BY SIZE

The classification of the courts into sizes aims to create groupings in order to respect distinct characteristics that exist in the same branch of justice. The separation is always made into three groups, namely: great, medium, and small. The branches of justice with this separation are: State Justice (27 courts), Labor Justice (24 courts) and Electoral Justice (27 courts). Since the Federal Court is subdivided into only five regions and the State Military Court has only three courts, it would not make sense to classify them according to this methodology.

To classify the courts into sizes, the statistical technique of multivariate analysis called principal component analysis is used.<sup>19</sup>Based on its application, it becomes possible to reduce the number of dimensions under analysis. In the specific case, four variables are synthesized into just one factor (score) obtained through a linear combination of the original variables. The five variables used in the calculation of the score were: total justice expenditure, new cases, pending cases, total number of magistrates and work force.<sup>20</sup>

Next, the statistical technique of principal component analysis is presented, used to calculate the scores and, consequently, to define the groups.

### Principal Component Analysis (PCA)

This is a multivariate analysis method, used to summarize a large number of variables into a few dimensions. It is an attempt to understand complex relationships that are impossible to can be worked with univariate or bivariate methods, thus allowing graphical visualizations and deeper analysis by the researcher.

Through orthogonal transformation, a set of possibly correlated information is rewritten using uncorrelated factors generated through linear combinations of the original variables.

According to Johnson and Wichern (2007), let there be a vector with p random variables denoted by  $X' = \{x_1, x_2, ..., x_p\}$  with covariance matrix given by eigenvalues  $\lambda_1 >= \lambda_2 >= ... >= \lambda_p$ .

<sup>19</sup> A statistical technique used in cases where you want to synthesize the information provided by several variables/indicators. 20 By workforce, we must understand the effective public servants, those assigned, requested, and public servants without an effective link to the public administration, as well as the other categories that make up the auxiliary workforce, such as third-party employees, interns, lay judges, conciliators, and volunteers.

$$Y_{1} = \mathbf{a_{1}}'\mathbf{X} = a_{11}x_{1} + a_{12}x_{2} + \dots + a_{1p}x_{p}$$
$$Y_{2} = \mathbf{a_{2}}'\mathbf{X} = a_{21}x_{1} + a_{22}x_{2} + \dots + a_{2p}x_{p}$$
$$\dots$$
$$Y_{p} = \mathbf{a_{p}}'\mathbf{X} = a_{p1}x_{1} + a_{p2}x_{2} + \dots + a_{pp}x_{p}$$

With

$$Var(y_i) = \mathbf{a}_i' \Sigma \mathbf{a}_i, \quad para \ i = 1, 2, \dots, p$$
$$Cov(y_i, y_k) = \mathbf{a}_i' \Sigma \mathbf{a}_k, \quad para \ i, k = 1, 2, \dots, p$$

The principal components (scores) are the uncorrelated linear combinations {y1,y2,...,yp}, which have the largest possible variance. Thus, the first principal component is the one that produces the linear combination with maximum variance; the second component has the second highest variance, and so on. Mathematically, one can write:

First principal component = linear combination a<sub>1</sub>'X that maximizes Var(a<sub>1</sub>'X), subject to a<sub>1</sub>'a<sub>1</sub>=1.

Second principal component = linear combination  $a_2$ 'X that maximizes  $Var(a_2$ 'X), subject  $a_2$ ' $a_2$ =1 and  $Cov(a_1$ 'X, $a_2$ 'X)=0.

••••

i-th principal component = linear combination  $a_i$ 'X that maximizes  $Var(a_i$ 'X), subject to  $a_i$ ' $a_i$ =1 and  $Cov(a_i$ 'X, $a_k$ 'X)=0 for *k*<i.

Thus, the random vector X'={x<sub>1</sub>,x<sub>2</sub>,...,x<sub>p</sub>}, with associated covariance matrix given by  $\Sigma$  and with eigenvalue-autovector pairs given by (( $\lambda_1$ ,e<sub>1</sub>),...,( $\lambda_p$ ,e<sub>p</sub>)), where  $\lambda_1$ >= $\lambda_2$ >=...>= $\lambda_p$ >=0, has the i-th principal component equal to:

$$Y_i = \mathbf{e_i}' \mathbf{X} = e_{i1} x_1 + e_{i2} x_2 + \dots + e_{ip} x_p, \quad para \ i = 1, 2, \dots, p$$

From then on, you have:

$$Var(y_i) = \mathbf{e_i}' \Sigma \mathbf{e_i} = \lambda_i, \quad para \ i = 1, 2, \dots, p$$
$$Cov(y_i, y_k) = \mathbf{e_i}' \Sigma \mathbf{e_k} = 0, \quad para \ i \neq k$$

In addition, this combination results in:

$$\sigma_{11} + \sigma_{22} + \dots + \sigma_{pp} = \sum_{i=1}^{p} v \, ar(x_i) = \lambda_1 + \lambda_2 + \dots + \lambda_p = \sum_{i=1}^{p} v \, ar(y_i)$$

That is, the sum of the variances of the principal components is equal to the sum of the variances of the original variables. Consequently, the proportion of population variance explained by the k-th principal component is equal to:

(Proportion of the variance explained by *k*-*n* principal component)=  $\frac{\lambda_k}{\lambda_l + ... \lambda_p}$ , to *k*=1, 2, ..., *p* 

From this result, one can conclude that when a small number of components (such as 1, 2, or even 3, depending on the number of variables in the analysis) can explain a satisfactory proportion of the population variance, that is, between 80% and 90% of the data, the researcher can use the factors for his analyses, instead of the original variables, without losing much information.

Considering that the variables used in this model have very distinct scales and so that all of them could have the same influence weight in the model, it was opted to use data standardized by the normal distribution, which is summarized by replacing the covariance matrix by the correlation matrix.

An important tool in factor interpretation is factor rotation. In it, the axes of the factors (scores) are rotated around the origin until some other position is reached. As Hair et al. (2005) detail, there are several methods of factorial rotation. In this work, varimax was chosen, in which the sum of variances of the factorial matrix loadings is maximized.<sup>21</sup>

Using this technique, it was possible to obtain a single score per branch of justice, capable of summarizing the entire content of the four variables, and with explained variance of 98% in the State Justice courts, 98% in the Labor Justice courts, and 91% in the Electoral Justice courts.

<sup>21</sup> More details on rotation types and the principal components method can be found in Johnson and Wichern (2007), Hair et al. (2005) and Rencher (2002).

The courts were ordered by means of the factor (score) resulting from the factor analysis and then classified into three predefined groups: small, medium, and great.

## 17.4 **MAPS**

The maps were developed in the State, Labor, Federal, Electoral, and State Military Courts, with the purpose of representing, in a national perspective, the number of inhabitants per first degree judicial unit.

The data represented on each map are arranged in groups with the same number of divisions. To do this, the amplitude of the indicator was calculated (highest value deducted from the lowest value) and divided by five. This result is the range of each group. For example, suppose an indicator where the lowest value is 1,000 and the highest is 5,000. Thus, the amplitude is 4,000 (equal to 5,000 - 1,000). Dividing the amplitude of 4,000 by 5 gives that each class will contain an interval of 800. Thus, the first class will cover the courts whose indicator is between 1,000 (inclusive) and 1,800 (exclusive), the second class from 1,800 to 2,600, and so on up to the fifth class. The advantage of this approach is that it allows you to actually identify those courts that stand out, in the extreme groups, from the indicator's point of view.

# 17.5 THE COMPARATIVE JUSTICE PRODUCTIVITY INDEX (CPI-JUS)

The following sections present the details of the formulas used to calculate the CPI-Jus, as well as the mechanism for constructing the quadrant frontier graphs, which help in understanding the results of the DEA model.

### 17.5.1 THE CONSTRUCTION OF THE CPI-JUS

The Judiciary Statistics System (SIESPJ) has 810 variables sent by the courts and later transformed into indicators by the CNJ. There are many indicators that can measure the efficiency of a court, and the great challenge of statistical science is to transform data into synthetic information that is able to explain the content of the data one wishes to analyze. To achieve this goal, we chose to construct the CPI-Jus, a measure of the relative efficiency of the courts, using an analysis technique called Data Envelopment Analysis(DEA). The method establishes comparisons between what has been produced (called output) considering the resources (or inputs) of each court (called inputs). This is an efficiency analysis methodology that compares the optimized result with the efficiency of each judicial unit in question. In this way, it is possible to estimate quantitative data about how much each court should increase its productivity to reach the production frontier, observing the resources that each one has available, as well as establishing an evaluation indicator for each unit.

The DEA method was developed by Charnes et al. (1978) and initially applied most frequently in the field of production engineering. Recently, it started to be applied in Brazil in the forensic area, in order to measure the outcome of courts, as in the articles by Fochezatto (2010) and Yeung and Azevedo (2009).

It is a simple model (with few input and output variables) and, at the same time, with high explanatory power. Besides selecting the input and output variables that will compose the analysis, it is necessary to choose the type of model to be applied. Mello et al. (2005) detail in a very didactic way the types of models available.

The classic DEA models are CCR (CHARNES; COOPER; RHODES, 1978) and BCC (BANKER; CHAR-NES; COOPER, 1984). The CCR model, originally presented by Charnes et al. (1978), constructs a non-parametric piecewise linear surface, enveloping the data and working with constant returns to scale, that is, any variation ininputs produces proportional variation inoutputs. This model is also known as Constant Returns to Scale (CRS). The BCC model, presented by Banker et al. (1984), considers variable returns to scale, that is, it replaces the axiom of proportionality between inputs and outputs by the axiom of convexity. This is why this model is also known as Variable Returns to Scale (VRS). By treating the production frontier convex, the BCC model allows units operating at low values of inputs to have increasing returns to scale, while those operating at high values of inputs have decreasing returns to scale.

In the efficiency analysis of the courts, the CCR model was adopted, that is, with constant returns to scale. Furthermore, the model is output-oriented, which means that the interest is in identifying how much the court can increase in terms of output (maximizing the result) while keeping its resources fixed, since reducing budget and workforce is often not feasible.

According to Yeung and Azevedo (2009), the output-oriented CCR model can be written as a linear programming problem as follows:

$$max_{(\phi,\lambda,s^+,s^-)}Z_0 = \phi + \epsilon s^+ + \epsilon s^-$$

Subject to
$$\phi Y_0 - Y\lambda + s^+ = 0$$
$$X\lambda + s^- = X_0$$
$$\lambda, s^+, s^- \ge 0,$$

where  $X_0$  is the vector of *inputs*,  $Y_0$  is the vector of outputs and  $\phi$  represents the amount of output required to transform an inefficient unit (DMU<sup>22</sup>) into an efficient one. The variable s-measures the excess inputs of an inefficient unit and s+ measures the lack of output.

The DEA technique was applied to data from the **Justice in Numbers** report with the objective of verifying the productive capacity of each court, considering the available inputs. The selection of variables for the definition of the inputs was made in order to contemplate the nature of the three main resources used by the courts: the personnel, the financial, and the cases themselves. At first, variable selection methods were tested, such as Method I - The Complete Exhaustive Stepwise, the Multicriteria Methodmethod for variable selection and the Multicriteria Combinatorial Initial Method for Variable Selection (SENRA, 2007). However, these models favored the inputs that had more linear correlation with the output (total disposed cases), benefiting, in some cases, similar variables, such as, for example, the number of employees and, soon after, the expense with active personnel. Thus, the selection process started by categorizing the variables into the criteria defined below, allowing the Multicriteria Method to be used in part in conjunction with subjective criteria.

The inputs were divided into:

## a) Exogenous (not controllable):

► Relative to the lawsuit itself. The tests undertaken took into consideration both the number of pending cases and the number of disposed cases, with the sum of these, that is, the total number of cases that went through being the explanatory variable for the efficiency results. Suspended, on hold or provisionally filed cases, tax executions and criminal executions were not included in the calculation basis.

## b) Endogenous (controllable):

► **Financial resources:** the total expenditure of each court was used, disregarding the expenditure on inactive personnel and the expenditure on construction projects and

<sup>22</sup> DMU represents each production unit analyzed in the DEA model. Decision Making Unit.

works, since these resources do not directly contribute to the production or productivity of the courts.

▶ **Personnel:** the workforce data used were the number of magistrates and permanent, requisitioned, and commissioned public servants, excluding those assigned to other organs.

With regard to the output, the total number of disposed cases of is the variable that best represents the outflow of cases from the Judiciary from the perspective of the court system awaiting the resolution of the conflict, excluding tax and criminal executions. Thus, the CPI-Jus model considers the total number of disposed cases of in relation to the total number of cases processed; the number of judges and civil servants (permanent, temporary, and commissioned); and the court's total expenses (excluding expenses with inactive personnel and construction work).

The personnel expenses separated by degree of jurisdiction allow the calculation of the CPI-Jus for the first and second degree separately. Thus, the total CPI-Jus covers the administrative area, capital expenditure, and other current expenditure, and the CPI-Jus for the first and second degree considers only the judicial area's workforce.

The result of applying the DEA model is a percentage that ranges from 0 (zero) to 100%, showing that the higher the value, the better the performance of the unit, which means that it was able to produce more (out of processes) with fewer available resources (personnel, processes, and expenses). This is the measure of the court's efficiency, here called the CPI-Jus.

Additionally, by dividing each court's total number of disposed cases of by its respective efficiency percentage achieved, we have the measure of ideal (or target) disposition, which represents how much the court should have disposed to achieve maximum efficiency (100%) in the base year.

It is important to clarify that the ideal disposition is a metric that analyzes the past and not the future, i.e., it means that if the court had been able to dispose of the required number of cases according to the comparative model, it would have, by 2021, reached the efficiency curve. This is not to say, however, that if the court drops that same amount, or even more, in the subsequent year, the achievement of efficiency would occur. In this way, the CPI-Jus considers the result achieved in the past based on the resources available in that year and puts those who managed to produce more, with less input, on the frontier. Thus, changes in the inputs and outputs of the other courts in the coming year will shift the frontier curve and, consequently, the court's position relative to the others.

The DEA methodology was applied in State Courts, Labor Courts, and also in Federal Courts. The model did not include the State Military Courts because it is inadequate from the methodological point of view, since there are only three courts there.

The model has also not been adopted in the sphere of Electoral Justice, in view of the fact that, in this case, the main objective of the regional courts consists in holding the elections and not only in jurisdictional activity in the form of case dismissal(output of the model).

Although the Federal Court also contains a reduced number of courts (five), the first degree information was disaggregated by judicial sections. Therefore, in this branch of justice, the production unit was considered to be each judicial section (UF), in addition to the second degree of each court. Thus, there are 32 production units (DMUs) that were compared by applying DEA. The consolidated court efficiency (TRF) was calculated based on dividing the sum across all DMUs of the realized resolved amount by the sum across all DMUs of the ideal(target) resolved amount, i.e:

Eficiência Total<sub>j</sub> = 
$$\frac{\sum_{i=1}^{n_j} \text{Baixado Real}_i}{\sum_{i=1}^{n_j} \text{Baixado Ideal}_i}$$
,

where j={1,2,3,4,5}, represents each TRF and nj represents the number of production units in each TRF.

This same method was also used to measure the total efficiency of the State, Federal, and Labor Courts.

## 17.5.2 **QUADRANT AND FRONTIER GRAPHICS**

The purpose of quadrant (or Gartner) charts is to classify the courts into four groups, where two variables or indicators are analyzed together. The two axes are cut at values equivalent to the average for each element evaluated

In addition to the courts, the chart also shows the corresponding figure for the total branch of justice. In this case, the calculations are produced based on the consolidations of the segment, adding up the variables that make up each indicator, and only then applying the respective formula. For this reason, the branch total may differ from the average, which corresponds to the value located in the center of the quadrants.

Frontier graphs are used to visualize the results of the DEA technique when only two variables or two indicators are used. For the purposes of this report, we chose to present two indicators in each graph, always composed of variables adopted in the DEA model, in order to facilitate understanding of the proposed methodology for analyzing efficiency, as well as to allow for more detailed interpretations of some indicators available in the **Justice in Numbers** report. In addition to allowing more detailed interpretations of some indicator of some indicators available in the Justice in the Justice in the Justice in Numbers report, it also allows for more detailed interpretations of some indicator contemplates the output (quantity of disposed cases) and one of the inputs (cases in progress or number of judges or number of employees or expenses).

The quadrant graphs are presented together with the frontier graph, without loss of information. The graph is augmented by information on the size of the courts, which facilitates the analysis of their behavior compared to others.

Thus, these graphs simultaneously show four distinct dimensions, because in addition to the two indicators and size, the sizes of each point are associated with the efficiency of the court. Thus, the higher the symbol, the higher the relative efficiency (CPI-Jus).

These graphs will be of great use in helping to understand the multivariate model, which simultaneously considers all these inputs and the output. If a production unit achieves the maximum input/output value, then it is an efficient unit and is located on the production line of the frontier graph. Moreover, each quadrant shows a unique interpretation about the units. In the first quadrant are the units whose two variables are at high degrees. In the second are the units whose variable represented horizontally is at a lower degree and the variable represented vertically is at the highest. The third quadrant details units with both variables at a lower degree. The fourth quadrant indicates those with the highest degree in the variable represented horizontally and the lowest degree vertically. An example of a frontier graph is shown in Figure 249. The courts that are in the blue line are the most efficient ones (courts 1 to 4). The court 5, although it has a lower rate of congestion than court 2, it also has a lower magistrates' productivity index (MPI). Court 6 is the least efficient, as it is farthest from the production line and combines higher congestion with lower productivity. The horizontal and vertical dotted lines represent the average MPI and congestion rate, respectively. In this example, the second quadrant would be the one that the courts should target, as they represent higher MPI with lower congestion rate. The fourth quadrant, on the other hand, would be the one that should be avoided, as it combines lower MPI with higher congestion charges.



Frontier and quadrant graphs were produced for the State, Labor, and Federal Courts, branches where the DEA method was applied. In the Federal Regional Courts, the graphs include, besides the results of the five Federal Regional Courts, also those of the 27 judicial sections and of the second degree. Because it is a complementary analysis to the DEA modeling used to calculate the CPI-Jus, the quadrant and frontier graphs will not be used in the Electoral Justice and State Military Justice.

In the State Justice, Labor Justice, and Federal Justice sections, the results of the CPI-Jus resulting from the application of the DEA method will be presented in detail, with the percentages obtained by court.

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