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# Objectives for a Democratic Judiciary

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Central goal: Rule of Law

**Key means to that end:**

Efficiency

Access and equity

Effectiveness

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# The Basic Conditions for Accomplishing these Aims

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## Democracy

### Institutional:

independence to MP, courts

### Legal protections:

new Constitution and "fundamental rights"

## Qualified staff

new judges;

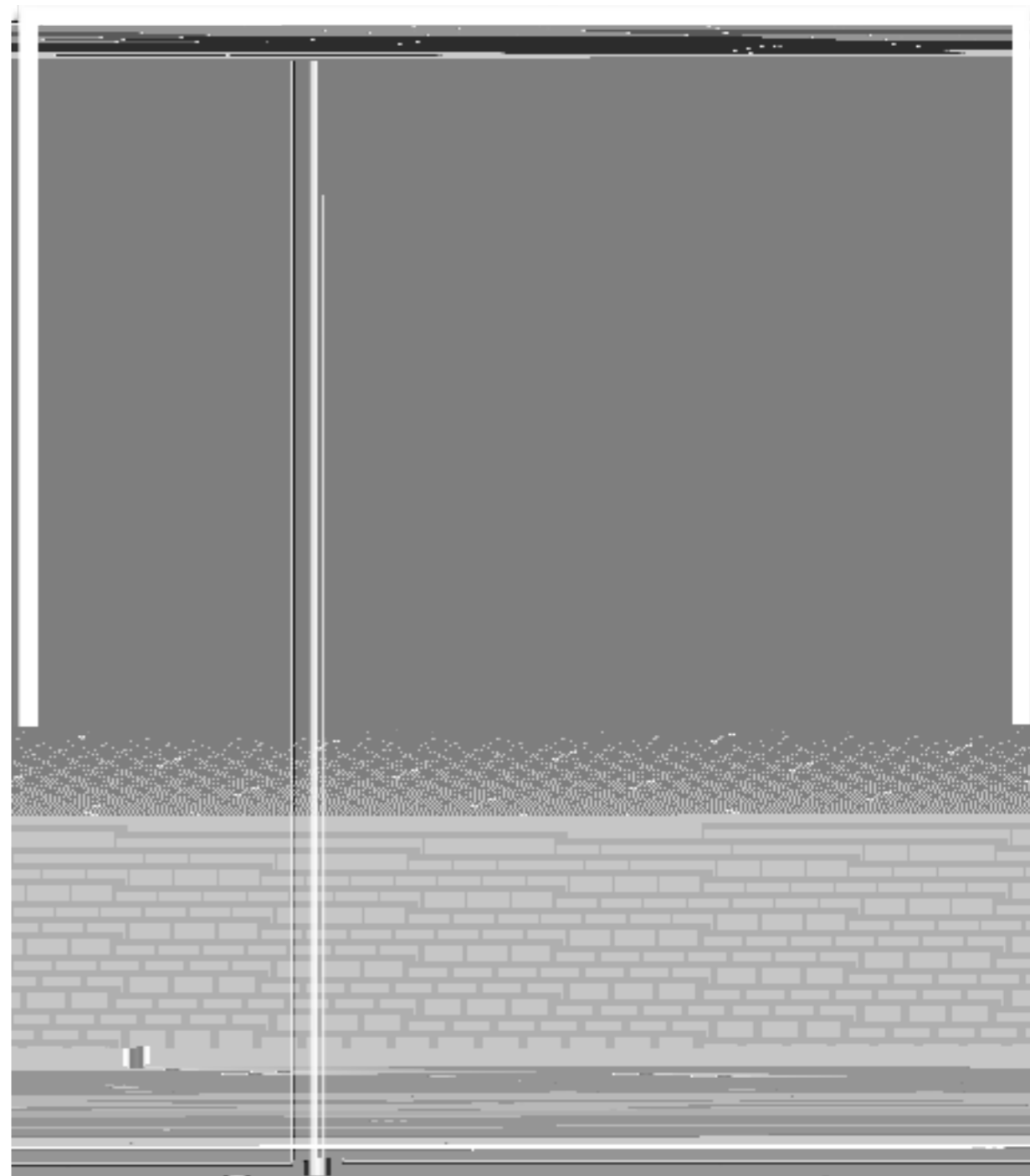
professional examination;

## Sufficient staffing

16,500 judges; 8.25 per 100K

UK: 3.8; Japan: 2.8; Germany: 24.7; Portugal: 19.2

410,000 administrative staff; 205 per 100K; highest known





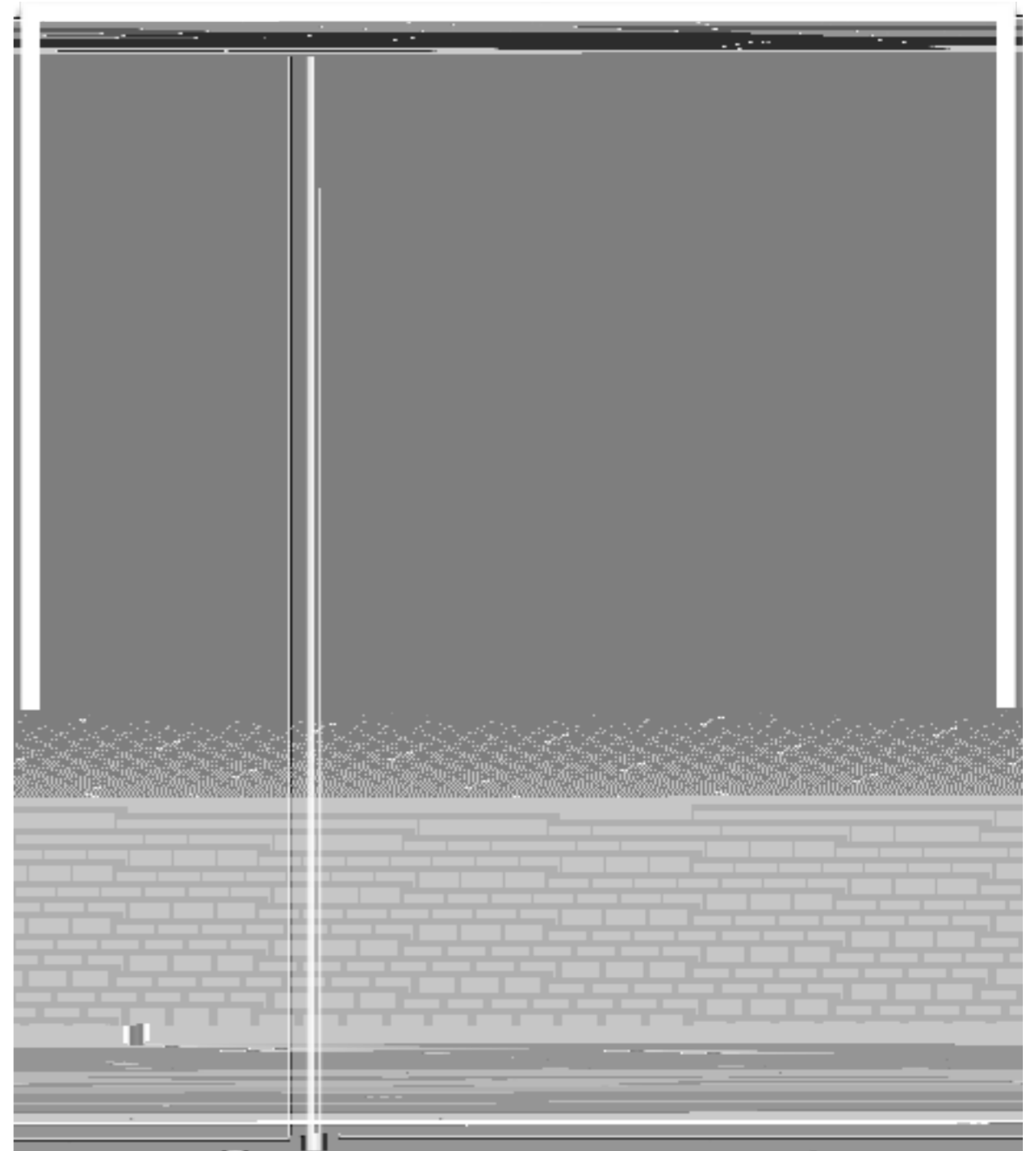
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# Efficiency

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Brazilian judges are quite efficient!

5,000 cases per appellate judge





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# Effectiveness

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• Independence of judicial decisions, from each other!

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• Atomization of decision-making

• Hierarchy and formalism

“*the number of lawyers*”?

860,000 lawyers today

4.3 lawyers per 100K; 4x growth since 1991

5x increase in number of law schools

95,000 new lawyers graduate each year

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# Reforms

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1985, 1988, 1991, 1993, 1996, 1998, 2002, 2008, 2010, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025

1988 Constitution







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# Toward a new Judiciary?

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An uphill battle

Pushback against CNJ and limits on privileges of judicial "class"

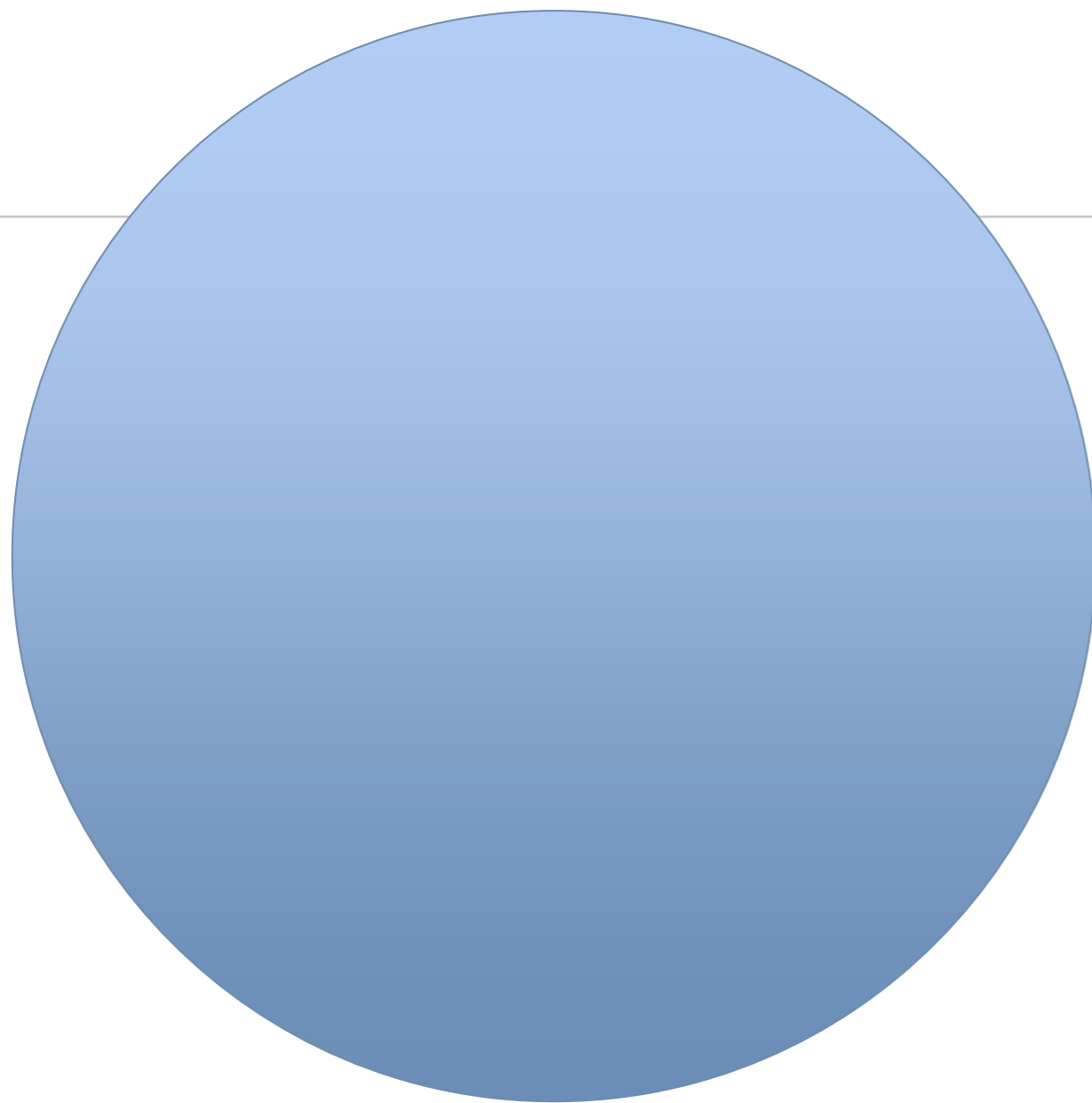
Slow pace of anti-corruption "class"





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# Ten salient scandals 1990-2010



841 implicated



55 convicted



9 final,  
unappealable  
conviction

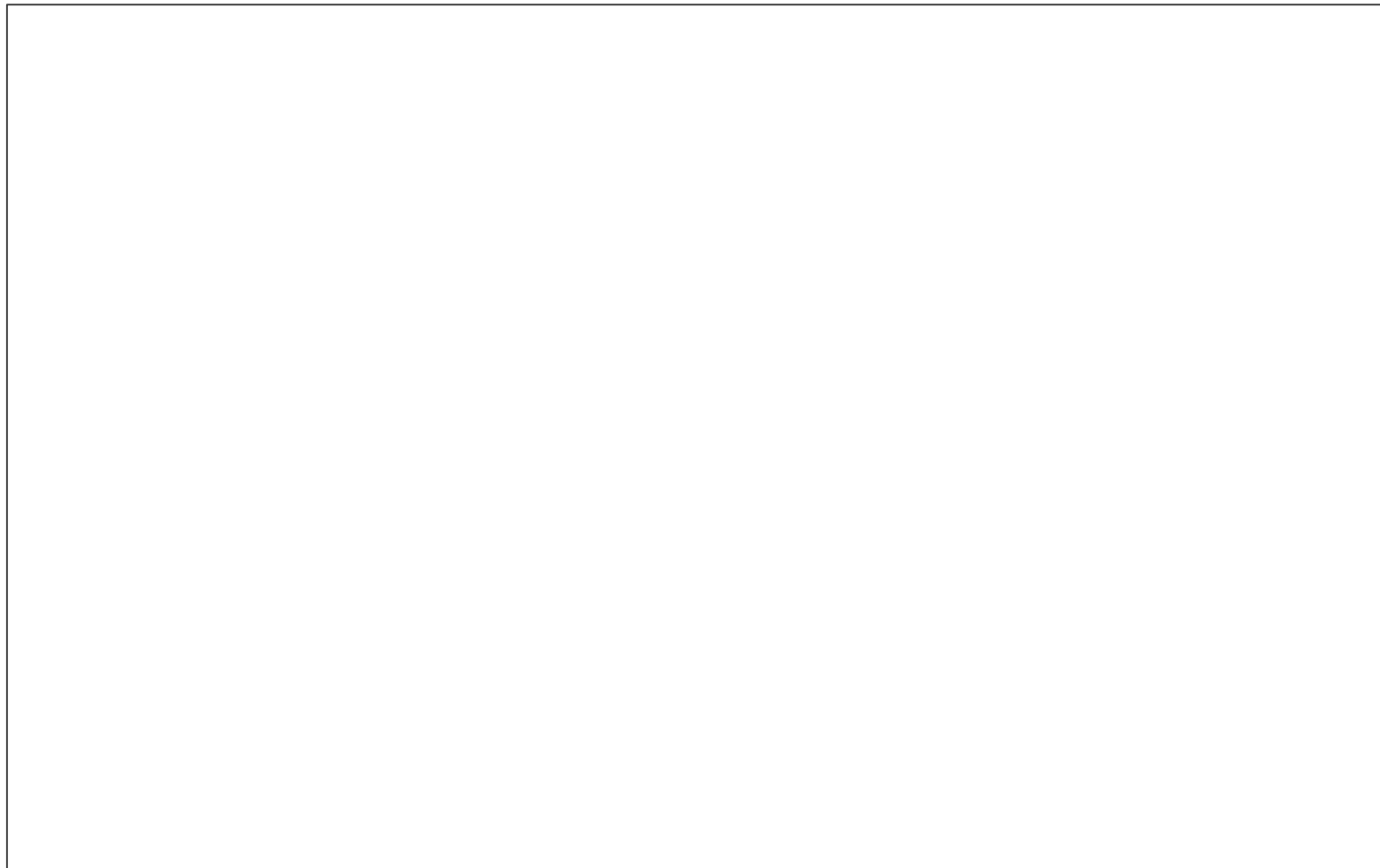


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# More prosecution of wrongdoing

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## Corruption cases tried



José Dirceu, President Lula, João Paulo Cunha

Source: Levcovitz, 2014.

# Judicial inputs to political impunity

Penal code from 1940s

Recurrent appeals

Constitutional secrecy protections

“Vulgarização” of habeas corpus

Procedural delays

Statute of limitations

“Regime semi-aberto”

Special jail cells

## Special privileges

- Foro especial
- Tradition of deference
- Not a criminal court

