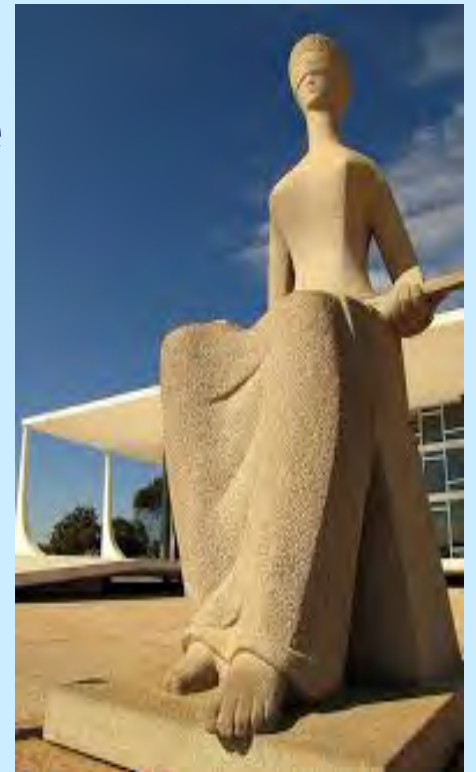


# National Council of Justice

## Bursting the Judicial Bubble

Maria Tereza Aina Sadek



# Main Point



# What is the NCJ?

- A body of external control of the Judicial Power created by the 45th Constitutional Amendment in 2004.
- The 1988 Constitution with its 245 articles – did not include any mention of external control of the Judicial Power.
- Different from European and Latin American counterparts.

# Hierarchy

- Second position in the constitutional hierarchy – just below de STF
- Above all the other courts



Composed of 15 members who are over than thirty and below sixty-six years of age, for a term of two years, with one continuation allowed, including:

- One Justice from the Federal Supreme Court, appointed by the respective Court
- One Justice from the Superior Tribunal of Justice, appointed by the respective Court;
- One Justice from the Superior Tribunal of Labor, appointed by the respective Court;
- One Justice from a State Tribunal of Justice, appointed by the Federal Supreme Court;
- One state judge, appointed by the Federal Supreme Court;
- One judge from a Federal Regional Tribunal, appointed by the Superior Tribunal of Justice
-

# Members of the NCJ

15 in total, each with 2 year terms:

- 9 representatives from the JP;
- 1 representative from the Public Prosecutor's Federal office;
- 1 from the P.P. State Office.

# What are the main duties of the NCJ?

- Control and plan administrative aspects without interfering with jurisdictional independence of the JP.
- Democratize justice.
- Improve administrative efficiency, morality, and transparency.
- Guarantee unity and autonomy of the JP.



# NCJ: Institutional Construction

- It is not a continuous and evolving process
- Different rhythms, distinct strategies
  
- **RESULT:** expansion or  
retraction of the institution

# Relationship between President and Inspector

President	Inspector	Relationship
Nelson Jobim (2004-2006)	Antonio de Padua Ribeiro	
Ellen Gracie Northfleet (2006-2008)	Cesar Asfor Rocha	
Gilmar Mendes (2008-2010)	Gilson Dipp	
Cezar Peluso (2010)		

# Administrative Achievements

There is still room for improvement



# Non-Achieved Goals

- suits related to improbity and crimes against Public Administration surrendered until 2011 should have been judged by the end of 2013 (only 62,000 out of 114,000 have been judged; (54%))
- The above goal was reset in 2013 adding up t



# Important Decisions

- Resolution against nepotism;
- Regulation of the participation of judges in conferences and meetings;
- Establishment of a salary cap
- Ability to investigate magistrates.

# Difficulties for the Future