**CONCILIATION IN PUBLIC ADMINISTRATION AND INNOVATION OF CONSENSUAL PROCESSES IN THE BRAZILIAN JUDICIARY**

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My goal in this lecture is to demonstrate the importance of Alternative Dispute Resolution for the Brazilian Judiciary, and how, through creativity, it is possible to continuously improve our court system to better suit the needs and interests of its users.

I will talk about my own experience in the creation of an extrajudicial system of dispute resolution between public entities through conciliation, as well as the Digital Mediation System of the Brazilian National Council of Justice.

Although there were no legal impediments in the legal system, until very recently the Brazilian public administration did not have a culture of settling disputes.

As a direct consequence of this culture, the Public Administration is the litigant with the largest caseload in our federal and state court systems.

In 2007, a survey of the Attorney General's Office identified 147 Supreme Court cases and 400 Superior Court cases involving disputes between the Union, its agencies and federal autarchies.

It was irrational that organs and entities that are part of the same unit of the federation disputed one another using the court system.

**Waste of time and public money.**

As a result of this survey, I created, in 2007, within the structure of the Attorney-General's Office, the Conciliation and Arbitration Chamber of the Federal Administration (CCAF).

The Conciliation Chamber is a system for the extrajudicial resolution of conflicts between organs and entities of the Federal Public Administration through mediation, conciliation or arbitration.

During the reported period, 200 conciliation chambers were created to resolve thosedisputes.

The chambers helped relieve a bit the burden on the Judiciary and generated savings of more than **US $ 639 million**, avoiding legal procedures’ costs and optimizing public lawyers’ time with regard to other lawsuits.

Ten years after its creation, the Conciliation and Arbitration Chamber of the Federal Administration has consolidated itself as an extrajudicial body for the settlement of disputes between public entities which resolves conflict in a more satisfactory manner for the litigants.

 It avoids the judicialization of conflicts and, above all, ensures greater pace and effectiveness in the implementation of public policies, which are many a time paralyzed by administrative divergences.

The success of this conciliation system has inspired the latest legal norms on the subject.

The New Code of Civil Procedure and the Mediation Actdetermined that the Union, the States, the Federal District and Municipalities should create mediation and conciliation chambers with attributions related to the consensual solution of conflicts in the administrative sphere, which is already a reality within the Union with the Conciliation and Arbitration Chamber of the Federal Public Administration (CCAF).

There can be no greater example than the agreement on the controversy over the economic plans intermediated by the AGU in 2017, through the Conciliation Chamber.

The historic collective agreement between representatives of savers and financial institutions, involving almost 1 million cases in court regarding the replacement of losses caused by the correction of the applications adopted during the economic plans of the 1980s and 1990s, was approved by the Supreme Court to pacify a dispute that had dragged on for decades. It is estimated that the agreement could involve more than $ 281 million in resources.

This agreement demonstrates the importance of stimulating a culture of social pacification and the advancement of dialogue, rather than a culture of conflict.

In addition, in order to cope with the reality of the Digital Age, the electronic process, and a "networked society," the Judiciary also needs to be dynamic, flexible, and interactive.

Mediation as a "strategy of communicative action" cannot be dissociated from this new reality of digital inclusion.

In 2016, the National Council of Justice – the central body of the Brazilian Judiciary, responsible for improving the national judicial system - launched the Digital Mediation System, an official mechanism that enables distance negotiations.

The system is being overhauled in 2018 with a new version of the platform to match the growing demand for consensual conflict resolution.

In addition, in 2017, the Council signed a technical cooperation agreement with the Central Bank and the Brazilian Federation of Banks to facilitate the consensual solution of conflicts between citizens and financial institutions.

Consumer lawsuits against banks have topped the number of lawsuits for years.

The Digital Mediation System allows the exchange of messages and information between the parties, adapting to the reality of each sector.

It also allows the entry of lawsuits, or not, and admits the participation of lawyers.

In order to guarantee more readiness, there is a single deadline of 15 consecutive days for all actions within the system.

Any company can join the system and, if a party searches for an unregistered company, it will be informed by the system itself and invited to join the initiative.

Agreements may be ratified by the courts at the end of the negotiations if the parties deem it necessary.

If no agreement is reached, face-to-face mediation is scheduled.

The online tool that is made available on the internet, is accessible to every citizen through a smartphone, tablet or computer, and brings dynamicity, adding a new vision in terms of jurisdictional performance.

It represents a quick, efficient and cost-free approach to resolve conflicts.

All this without having to leave the house or head to the court.

In conclusion…

The Judiciary becomes more efficient when it stimulates self-composed solutions and rightful means of resolving conflicts – fast and economic instruments to offer justice.

The idea is that the term of all litigation is not necessarily a sentence, but rather a solution.

To that effect, we will continue to rely on the creativity and the assistance of technology in the Digital Age to keep improving the satisfaction of our users with the administration of justice.