

THE DEVELOPMENT OF ADR SKILLS IN LAWYERS AS A PATH TO OVERCOME THE OBSTACLES FACED BY THE BRAZILIAN JUSTICE SYSTEM

Procedural delays and excessive judicial litigation are obstacles faced by the Brazilian Justice System. The present research aims to argue that the institutionalization of conflict Mediation, especially in the Judiciary is relevant but insufficient to solve these problems. Analyzing data from the Brazilian Judiciary, two points are noteworthy: 1) there are more than one million active lawyers for 18 thousand judges; 2) of the 79 million current law suits, more than 60% are conflicts of civil and family nature, suitable for a negotiated resolution, and the adjudication is unnecessary. Given these data, we believe that public policies should be focused on out-of-court mediation, both by the number of professionals already available in the market and by the nature of the conflicts, while encouraging the adaptation of lawyers' professional skills. Those needs find base on research that presents the skills most needed by professionals in the 21st century, such as: complex problem solving, creativity, communication and teamwork (ACCENTURE, 2013; WEF, 2015; DELOITTE, 2016). In order to achieve this goal, a bibliographical and documentary research as well as a case study at the Law School of University of Fortaleza were carried out. The Law School of the University of Fortaleza, Brazil, implemented three main changes, guided by the presented data, namely: transversal disciplines on conflict management, legal reasoning, decision-making capacity; methodology that stimulate and evaluate participation and experiences; real project development instead of papers. We expect to contribute, by these changes, to a cultural transformation in order to overcome the challenges faced by the Brazilian Justice System.

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