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Artificial Intelligence In Brazilian Courts: A Case Study

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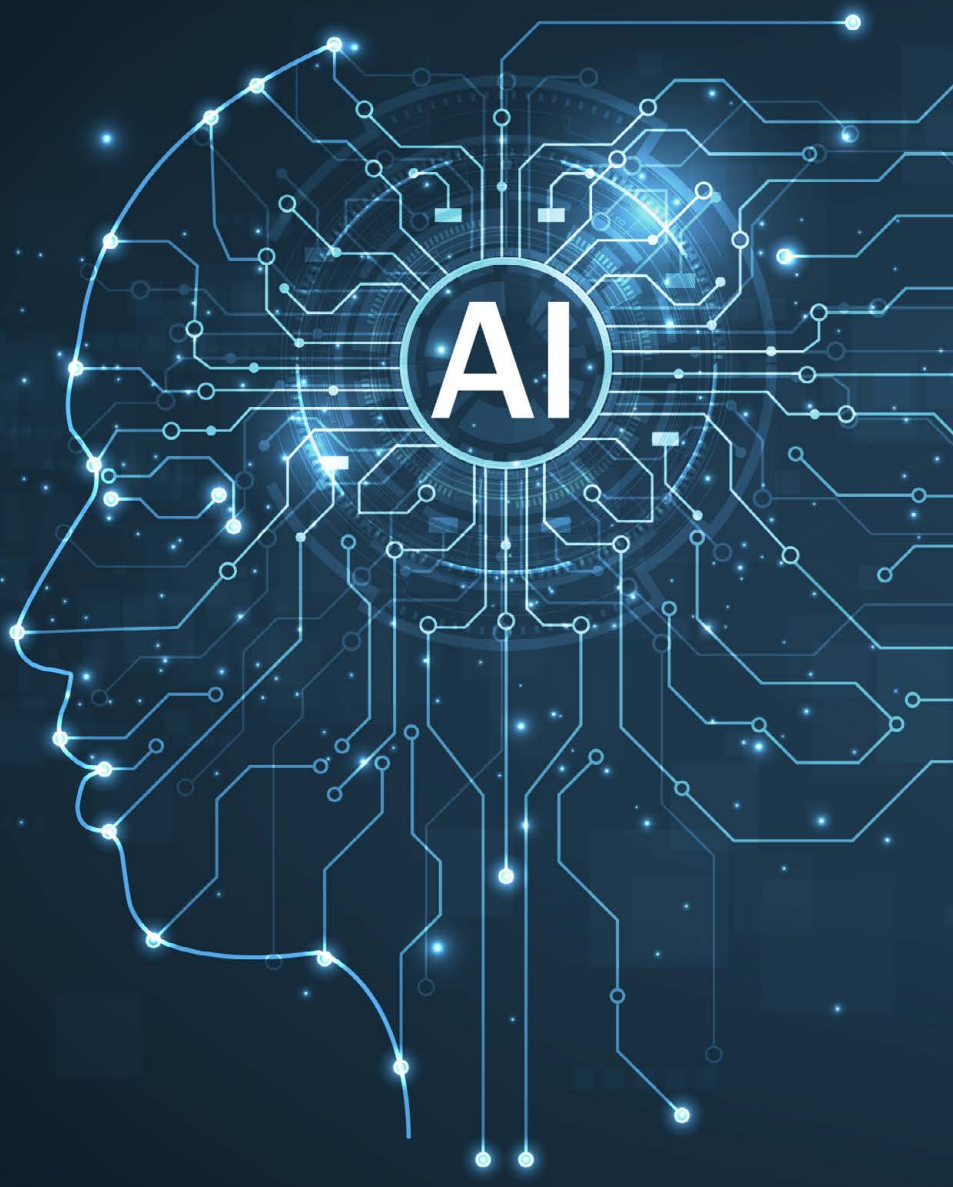

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CHAPTER 1
Introduction

The use of Artificial Intelligence (AI) in the Judiciary is becoming a global phenomenon. Across several jurisdictions, Justices, Judges, and various members of the courts and justice councils have been incorporating new tools and technologies into their work, based on a general understanding that technology can contribute to fostering efficiency and precision in workflows. A survey conducted by UNESCO in 2023, that interviewed 563 individuals (judges, prosecutors, lawyers, civil servants in legal administration, and researchers) from 96 countries, has found that *"forty-four percent of the judicial operators [...] stated that they had used AI tools for work-related activities"*[3], and that those tools were used *"to perform three broad tasks: searching (43%), drafting documents (28%), and brainstorming (14%)"*[4]. In contrast, however, the results also reflect a lack of guidance on the use of AI tools. The same UNESCO survey[5] revealed that only 9% of judicial operators reported the existence of institutional guidelines or regulations for the use of AI chatbot. This finding prompted the report to highlight the overall scarcity of formalized principles or rules that ensure the ethical and responsible application of AI tools in the justice system.

The use of AI in Brazilian Courts, despite following the global trends, is unique in several ways:

1. The use of AI in Courts goes beyond the employment of private AI chatbots (such as ChatGPT) since the Brazilian judiciary has been developing AIs for their use since 2017. According to the latest available data, it currently has 140 systems distributed across 62 courts and justice councils, in different stages of implementation.
2. The country issued its first directive for the use of AI in Courts in 2020, making it a regulatory pioneer on the topic.
3. The high number of tools being developed and the decentralised approach to AI implementation have led to a landscape of many uncoordinated AI initiatives across the country. This hinders civil society's supervision over the tools and creates a scenario of uncertainty.

What has led to such a scenario in Brazil? In a nutshell, the widespread use of AI can be traced back to the fact that the Brazilian Judiciary is overwhelmed. According to public data, Brazilian Courts registered more than 15 million new cases in the first 6 months of 2025[6]. Despite the productivity of the Judiciary, Brazil accumulates a backlog of around 79 million lawsuits pending trial - which represents a ratio of 1 pending lawsuit per 2.5 citizens, one of the highest litigation rates per capita in the world.

Aiming to address this issue, the use of AI in Courts has been viewed by many as the "holy grail" to alleviate the decades-long issue of excessive litigation – as the technology would have the potential to "solve" many problems historically faced by the Judiciary. Like previous attempts to address the litigation backlog, experts have promised that the implementation of AI tools will bring greater speed, efficiency, and harmonization of decisions. Considering that Brazilian society is known for its openness when adhering to new technologies[7], and following the optimistic approach to AI that often permeates public debate, the technology became widespread in the Judicial System, creating a wave of AI systems in the Brazilian Judiciary

[3] UNESCO, UNESCO Global Judges' Initiative: Survey on the Use of AI Systems by Judicial Operators (2024) 7 https://unesdoc.unesco.org/ark:/48223/pf0000389786

[4] Ibid 8.

[5] Ibid 12.

However, there are still many concerns about the use of such technologies in the court's day-to-day operations. That is because -- even though public authorities have always made caveats regarding the potential downsides of technology -- practice shows that the principles for the responsible use of AI are not consistently implemented.

Therefore, despite the eagerness of Brazilian Courts to adopt new technologies and incorporate innovation into their work, this paper views the wave of AI systems in the Brazilian Judiciary with caution. This study aims to:

i. Provide an overview of the use of AI in the Brazilian Judiciary

ii. Develop a critical analysis and case studies of AI systems already in use, mainly in the Brazilian Constitutional Court

iii. Discuss the legal framework governing the use of AI in Brazilian Courts; and

iv. Reflect upon the main challenges, problems and perspectives of the use of AI in the Judiciary.

This paper does not intend to provide a definitive assessment of this phenomenon. Instead, it aims to draw attention to the challenges faced in Brazil and contribute to further discussions on how to minimize risks and ensure the safe development of AI in Judicial contexts.

[6] Conselho Nacional de Justiça, Estatísticas do Poder Judiciário: Painel de Estatísticas (Justiça em Números). Accessed 27 June 2025, https://justica-em-numeros.cnj.jus.br/painel-estatisticas/.

[7] Portulans Institute, 'Interview with Ricardo Alban, President, CNI' (Portulans Institute, 2024) https://portulansinstitute.org/interview-with-ricardo-alban-president-cni/

CHAPTER 2

An Overview Of The Use Of AI In The Brazilian Judiciary

(i) The development of AI in Brazilian Courts: a myriad of tailored initiatives

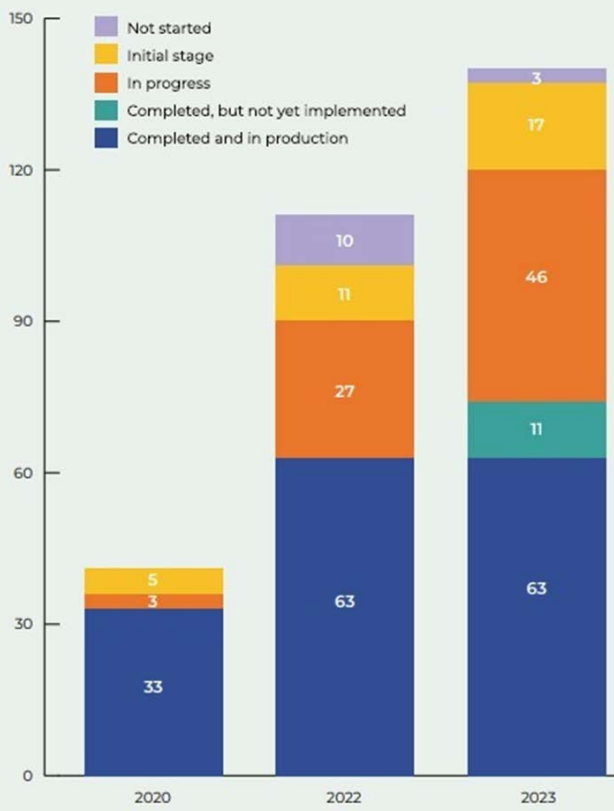
The National Council of Justice (CNJ) has published an annual survey since 2020, providing primary information on AI projects being developed in the Brazilian Judiciary. The report aims to understand the dynamics of AI adoption and implementation in courts, as well as the technical, operational, and ethical obstacles. The latest report states that *"there is a growing interest among Brazilian courts in AI-based technological solutions and a diversity in the adoption of this technology by the courts".*[8]

The data collected by the study shows a widespread use of AI across the Judiciary. In 2023, Courts declared the existence of 140 AI projects, present in 62 of the 91 courts that exist in the country. 63 of these are being developed or in use, with the other 77 in the planning or initial development phases.

These AI tools are being implemented at an unprecedented pace. Since 2020, the number of AIs in use has more than tripled, as shown in the table below:

GRAPH 2

Evolution stages of AI projects



Source: CNJ, Research on the Use of Artificial Intelligence in the Judiciary - 2023

[8] CNJ and UNDP, Pesquisa Uso de Inteligência Artificial (IA) no Poder Judiciário – 2023 (2024) https://www.cnj.jus.br/wp-content/uploads/2024/06/pesquisa-uso-da-inteligencia-artificial-ia-no-poder-judiciario-sumario-executivo-2023.pdf accessed 31 May 2025.

Recent studies have shown that, despite the rise of AI Projects between 2021 and 2023, the implementation of AI initiatives in the Brazilian judicial system experienced significant attrition: although the total number of recorded projects surged by 238%, over 65% of them had been formally deprecated by the close of 2023. This high "mortality rate" indicates that nearly two-thirds of all AI endeavours were terminated, discontinued, or removed from active deployment, underscoring systemic challenges in sustaining such technologies[9].

Notwithstanding the high "mortality rate", the AIs being developed and implemented have various goals and functionalities aimed at addressing different problems within the Judiciary. Before engaging in any project, each Court performs an internal analysis of the pressing issues faced and designs some possible functionalities to be developed.

The recently published report "Mapping AI risks in the Brazilian Judiciary" [10], which analyzed all the AI tools registered on the "Sinapses" 2023 panel (the national database *"for storage, supervised training, version control, distribution and auditing of Artificial Intelligence models"*[11]), exemplifies the myriads of initiatives in progress. According to the study, the AIs registered by Brazilian Courts involve projects designed to: (i) transcribe hearings; (ii) address different issues through chatbots; (iii) identify lawsuits that might cover issues already decided by "binding precedents" of the Superior Courts; (iv) cluster similar lawsuits, to avoid different outcomes in similar cases; (v) analyze documents to strip sensitive information; (vi) categorize documents; (vii) help judges in the drafting of decisions; (viii) monitor the social media platforms X (formerly Twitter) and Reddit to analyze posts and identify possible statements that might lead to misinformation on elections; and (ix) predict risk of revictimization in domestic violence against women.

After a careful analysis of all AI tools being developed in the Brazilian Judiciary, this study categorised them according to their level of risk. Even though most (65%) were deemed to present a low risk, almost 30% of the projects currently developed in Courts present a high-risk, and some carry an excessive risk (that, in theory, should not be allowed to proceed).[12]

The data mentioned above reveals one of the main issues of the governance of AI in the Judiciary: the current existence and development of high-risk tools, with little scrutiny from civil society. Upon analysing the tools being developed in detail, we can observe some concerning trends that could have long-lasting impacts on the rule of law.

First, there is an overall trend to develop AI tools that specifically aim to draft judicial decisions. The State Court of Rio Grande do Sul (TJRS) announced, in June 2025, the completion of a new AI Agent ("Gaia Minute") that aims to support judges in drafting decision templates[13]. The Labour Regional Court of Rio Grande do Sul (TRT-RS) has implemented another AI ("Galileu") that claims to have drafted 1,954 decisions only in April 2025 (around 108.5 final merits decisions per business day) .[14]

Despite official statements that humans would supervise those draft decisions, the authors doubt that a human will properly audit all AI-generated decisions. An action not properly reviewed by a human can lead to a mass violation of rights, especially if the algorithms are not properly built, tested, and audited by a variety of actors involved in the Judicial system.

Second, based on publicly available information on the "Panel of AI Projects in the Judiciary"[15] (the official platform for Courts to report their IA initiatives to the CNJ), some courts have been developing tools that are highly controversial and pose risks to citizens' rights. Below are several examples:

i) The State Court of Rondonia (TJRO) is developing a tool *"to enable direct interaction and negotiation between individuals so that an agreement can be reached"* between the parties. According to information provided by TJRO, the activities performed by their IA involve *"Sentiment analysis in voice/text conversations"*. So far, according to the CNJ panel, the Court has concluded the development of the tool, but it has not yet been implemented.

(ii) The State Court of Ceará (TJCE) is developing*" a risk prediction tool for revictimization in cases of domestic violence against women, based on the questions and answers from the National Risk Assessment Form and historical data from judicial proceedings"*. The use of algorithms to predict future human behavior is, overall, delicate and controversial, considering the risk of biases against minority groups[16]. We could not find any additional public information about the technical aspects of this AI (accuracy, measures taken against bias etc).

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[10] Caballero, Meier, Lopes, Mendes, Junquilho and Menezes de Azevêdo, Relatório de pesquisa: mapeando riscos da IA no Poder Judiciário brasileiro (2024) https://www.idp.edu.br/arquivos/cedis/relatorio-pesquisa-mapeando-riscos-da-ia-no-poder-judiciario-brasileiro.pdf accessed 31 May 2025.

[11] Conselho Nacional de Justiça, 'Plataforma Sinapses / Inteligência Artificial' (2025). Available at: https://www.cnj.jus.br/sistemas/plataforma-sinapses/ accessed 31 May 2025.

[12] This study was conducted based on a preliminary version of Resolution No. 615 (See Chapter 4 for further details), but the reflections regarding the development of AI with significant risks remain important.

[13] Tribunal de Justiça do Estado do Rio Grande do Sul, 'TJ realiza entregas inéditas de Inteligência Artificial' (TJRS, 12 June 2025) https://www.tjrs.jus.br/novo/noticia/tj-realiza-entregas-ineditas-de-inteligencia-artificial/ accessed 18 June 2025.

[14] Tribunal Regional do Trabalho da 4ª Região (TRT-RS), Sistema Galileu do TRT-RS já contabiliza média de 108,5 minutas (TRT-RS, Maio 2025) https://www.trt4.jus.br/portais/trt4/modulos/noticias/50783885 acessado 18 Junho 2025.

[15] Conselho Nacional de Justiça. Painel da Pesquisa sobre Inteligência Artificial 2023. Available at: https://www.cnj.jus.br/sistemas/plataforma-sinapses/paineis-e-publicacoes/. Accessed on June 30, 2025.

[16] There are many examples of biases in risk assessment instruments. In the US, the Compass case is often seen as an important assessment on how algorithms implemented by Courts can lead to a violation of human rights due to biases. In that sense, see: Skeem, Jennifer L. and Lowenkamp, Christopher, Risk, Race, & Recidivism: Predictive Bias and Disparate Impact (June 14, 2016). Available at SSRN: https://ssrn.com/abstract=2687339 or http://dx.doi.org/10.2139/ssrn.2687339

(iii) The Regional Electoral Court of Pernambuco (TRE-PE) is developing a *"framework to combat disinformation and false content related to the electoral justice system, the electronic voting system, and the electoral process, across its different phases and actors, in a proactive manner. To this end, the system monitors social media platforms such as X (formerly Twitter) and Reddit, analyzes written posts on these platforms, and identifies potential statements that require clarification. Once such disinformation is detected, the system sends previously prepared material to "correct" the false information that was disseminated."* The active monitoring of social media by Courts and the preparation of "correct" versions of facts by algorithms is complicated and can clash with the fundamental right of free speech, especially because "right" and "wrong" on political debates is often a grey area and not a universal truth.Under Article 10 of Resolution CNJ 615/2025 (see Chapter 4), the development and use of solutions that present an “excessive risk” are prohibited. Articles 14 and 16 of the resolution establish that AIs used in the Brazilian Judiciary must undergo a risk classification process conducted by the Court that developed the tool. However, the National Committee on Judicial Artificial Intelligence can review and update the risk classification to ensure alignment with objective standards and international best practices. The Committee may reclassify specific AI systems, either ex officio or upon request, provided that the decision is duly justified and accompanied by a published technical report detailing the reclassification.

Notwithstanding the governance framework mentioned above, and based on the latest available data, AIs presenting “excessive risk” are still being developed in the Judiciary, as the examples above demonstrate. We expect a change in the scenario when Resolution CNJ 615/2025 enters into force and after the effective implementation of the National Committee on Judicial Artificial Intelligence. It remains to be seen, however, whether the governance framework set by the CNJ will be effective in deterring the development of tools that can pose risks to the rule of law.

Food for thought

One important piece of information about Brazil’s use of AI in courts is that there is no central authority responsible for developing tailored solutions for the Courts. In fact, the situation is quite the opposite. Each Court (from local courts to the Constitutional Court) can develop its own tool and carry on its projects independently. The Courts can decide to build an AI from scratch or to use some tools provided by the National Council of Justice at their own discretion.

Moreover, when developing an AI, each Court can either develop the tool internally (through public servants such as programmers and engineers who work in the Judiciary), or engage in cross-sectoral partnerships to facilitate its development and implementation.

As an example of public partnership, we can mention Project Victor (see Chapter 3 for more details), the first AI to be implemented in the Brazilian Supreme Court. It was developed through a public partnership between the Supreme Court and the University of Brasília[17], a public university. This public-public partnership is often viewed as a valuable opportunity to facilitate an interface between the Judiciary and academia, and to foster cutting-edge research.

Regarding private partnerships, the AI named MARIA (see Chapter 3 for more details), is used by the Brazilian Constitutional Court to elaborate written summaries and prepare reports for the Justices to vote on a given matter. The AI was developed in partnership with private companies, such as Compass.Uol, Elogroup, H2O.AI, JusBrasil, Palantir and Xertica.[18]

It is worth mentioning, however, that private partnerships are a subject of controversy. Justice Barroso, the President of the Brazilian Constitutional Court, stated, in a Court session, that he held a meeting with representatives from Amazon, Microsoft and Google and that he was considering hiring “pro bono services” for the development of three AIs: (i) a program for summarizing lawsuits; (ii) a tool similar to ChatGPT, for strictly legal use; and (iii) a single interface that allows the electronic judicial systems of all courts to function in harmony[19]. There is no publicly available information about the development of those aimed partnerships. However, entities from civil society have argued that this type of private partnership requires special attention from the Judiciary, because the Judiciary would allow some of the most prominent litigators in Brazil (Amazon, Microsoft, and Google, for instance) to participate in the development of tools that could be used in the nationwide decision-making process. Algorithms are complex to audit, and some outcomes of AI are often complicated for external users to justify. Ensuring the impartiality of technological development is key, considering that biased algorithms can be significantly detrimental to the rule of law.

[18] JOTA, 'STF lança primeiro robô com IA generativa para analisar reclamações e escrever relatórios' (2025) https://www.jota.info/stf/do-supremo/stf-lanca-primeiro-robo-com-ia-generativa-para-analisar-reclamacoes-e-escrever-relatorios accessed 31 May 2025.

[19] Migalhas, 'Barroso pede a big techs criação de "ChatGPT" para uso jurídico' (18 October 2023) https://www.migalhas.com.br/quentes/395504/barroso-pede-a-big-techs-criacao-de-chatgpt-para-uso-juridico accessed 31 May 2025.

(ii) The use of Generative AI in the Brazilian Judiciary

In addition to the AI tools described in the preceding chapter, Judges are also utilizing generative AI to perform tasks at work. This specific issue has been investigated by the report "The use of Generative Artificial Intelligence in the Brazilian Judiciary (PDPJ-Br), which demonstrated that 27% of judges and 31,4% of public servants have used Generative AI for professional purposes, including obtaining information about specific topics (70,9%/75,5%), creating text (64,5%/64,7%), and summarizing texts (47,1%/42,8%).

The Generative AI tools used are primarily the commercial versions of widely available chatbots (such as ChatGPT and Gemini), as well as tools developed by the Courts. Also, it is worth mentioning that the Brazilian National Council of Justice has made available to all courts a Generative AI (APOIA - an acronym for "Artificial Intelligence-Powered Personal Assistant") integrated into the Digital Platform of the Brazilian Judiciary (PDPJ-Br), which can be accessed to "create reports and case summaries, review of legal texts, [...] thematic screening, case inventory visualization, and detection of predatory litigation and repetitive lawsuits".[22]

It is believed that the use of Generative AI will increase in the coming years, underscoring the need to address governance gaps related to its use in the Judiciary, particularly in the context of enforcing the CNJ Regulation *(see Chapter 4)*.

To illustrate the challenges and difficulties of the use of GenAI, it is worth mentioning three recent cases that have brought to public attention the impacts and difficulties related to its use in the Judiciary:

Case nº 1

At the beginning of 2025, a lawyer filed an appeal with the State Court of São Paulo, arguing that a Generative AI wrote a single-judge decision issued during an enforcement procedure. According to him, ChatGPT indicated that the decision had a "medium to large probability" to have been totally or partially written by an AI and, therefore, requested the nullity of the judicial determination. Despite the allegations, the State Court held that there was insufficient evidence to suggest that AI drafted the decision.[23]

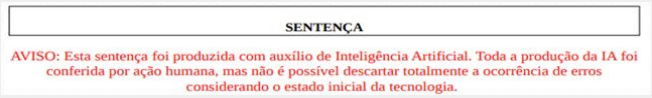
This case highlights the challenges posed by the undisclosed use of Generative AI in the Judiciary. After all, civil society might inquire: how should the Judiciary deal with the use of GenAI by judges? Can AI detectors be trusted to that end? Does the undisclosed use of AI in decision-making violate fundamental rights and guarantees? Is the use of undisclosed Generative AI a cause of the nullity of judicial decisions?

[22] Conselho Nacional de Justiça (CNJ), 'Tribunais de todo o país já podem utilizar primeira IA generativa integrada à PDPJ-Br' (CNJ, 20 May 2025) https://www.cnj.jus.br/tribunais-de-todo-o-pais-ja-podem-utilizar-primeira-ia-generativa-integrada-a-pdpj-br/ accessed 18 June 2025.

[23] Migalhas, 'ChatGPT afirma que sentença foi gerada por IA e parte pede anulação' (23 January 2025) https://www.migalhas.com.br/quentes/423393/chatgpt-afirma-que-sentenca-foi-gerada-por-ia-e-parte-pede-anulacao accessed 31 May 2025.

Case nº 2

In the opposite situation, on 25 March 2025, a Judge issued a decision on the merits of a lawsuit, with a disclaimer that the decision was drafted using Generative AI. More concerning, however, is that the judge wrote a "disclaimer", warning the parties that some errors might have been committed in the decision-making process, considering the initial state of development of the technology. Apparently, based on the disclaimer, the judge effectively shifted responsibility for potential mistakes to the tool itself -- suggesting that any flaws would be attributable not to human oversight, but to the limitations of the AI system:


SENTENÇA

AVISO: Esta sentença foi produzida com auxílio de Inteligência Artificial. Toda a produção da IA foi conferida por ação humana, mas não é possível descartar totalmente a ocorrência de erros considerando o estado inicial da tecnologia.

(Translation: "WARNING: This decision was elaborated with the assistance of Artificial Intelligence. A human has reviewed all AI-generated content, but it is not possible to completely rule out the occurrence of errors considering the initial stage of the technology"[24])

Once again, the decision sparked controversy among lawyers, other judges and civil society. Despite disclosing the use of Generative AI in the decision-making process, some might wonder: Is this disclaimer enough? Can the Judges exempt themselves from responsibility by arguing that mistakes might have been made due to the current technological development of AI? Does the use of Generative AI in that way violate the fundamental rights of those involved in this judicial dispute, who trusted a judge (and not an algorithm) to decide upon a legal controversy?

Case nº 3

In October 2024, the National Council of Justice opened an investigation against a Judge from the State Court of Maranhão[25] for the inappropriate use of Generative AI. The investigation initially began due to suspicions about the sudden and unexpected rise in productivity. From January 2024 to July 2024, the Judge issued an average of 80 decisions per month. However, in August 2024, he published 969 final decisions on the merits of lawsuits. Upon further investigation, the Oversight Body identified the citation of non-existent case law (a typical error made by Generative AI due to hallucinations) and the formulation of generic decisions (without addressing the specifics of each case)[26]. There was strong evidence that the judge was misusing Generative AI and making poor decisions in cases without considering the parties' evidence and arguments.

The investigation against the judge has not yet been completed. However, it might serve as a parameter for how Brazilian institutions will deal with such an issue - hopefully hedging the judge's liability for violating the fundamental rights of citizens whose cases were decided through the irregular use of Generative AI.

As discussed in the introduction, there are more questions than answers to those issues.

Despite some courts issuing guidelines about best practices in the use of "External" Generative AI tools[27], it is uncertain how widespread those guidelines are, and whether judges and other public servants are being trained to comply with those directives. So far, there is no case law on consequences that might arise from the irregular use of Generative AI in Courts, or the violation of citizens' rights to an impartial and qualified decision-making process.

In this sense, considering the concrete implications that might arise for citizens' rights, this debate is more urgent than ever, and Brazilian society needs to be better informed and protected against the harmful use of this technology.

[24] Lawsuit No. 0700031-85.2025.8.07.0016, Court of the Federal District and Territories (TJDFT).

[25] Lawsuit No. 0000482-30.2024.2.00.0810, National Council of Justice (CNJ).

[26] Migalhas, 'De 80 para 969 sentenças: juiz é investigado pelo TJ/MA por uso de IA' (2 May 2025) https://www.migalhas.com.br/quentes/429513/de-80-para-969-sentencas-juiz-e-investigado-pelo-tj-ma-por-uso-de-ia accessed 31 May 2025.

[27] For example, the Court of the Federal District and Territories has issued the following guidelines: https://www.tjdft.jus.br/institucional/imprensa/noticias/imagens-e-arquivos-2024/07_guia-boas-praticas.pdf/@@download/file/07_guia%20boas%20pr%C3%A1ticas.pdf

CHAPTER 3

Case Studies Of AI Systems In use at the Brazilian Supreme Federal Court (STF)

Following a brief introduction to the Brazilian use of AI in Courts, we will elaborate more concretely on some of these tools. Considering the impossibility of delving deeply into all AIs (both due to the staggering number of 100+ tools and the lack of publicly available information for most of them), we have chosen the Supreme Federal Court (STF) as a case study. This choice is justifiable because the STF is the highest Court in the Brazilian Judiciary, has AI systems implemented in its decision-making process, and has been a pioneer in implementing those technologies for almost a decade. For each of the AIs, the Chapter will describe its functionalities and highlight areas for improvement, where applicable[28]. Please note that we will rely on publicly available data and information on each of the AIs, considering both authors are researchers from civil society and have no privileged information from within the Court.The use of AI in Brazilian Courts, despite following the global trends, is unique in several ways:

(i) Project Victor - The pioneer

Project Victor is the first AI tool developed for the Brazilian Judiciary, resulting from a partnership between the Supreme Federal Court and the University of Brasília (UnB). Research and development of the tool began in early 2017, and its implementation started in August 2018.[29]

According to Drummond and Depieri[30], the AI has two main features: (i) the classification of documents and (ii) the identification of topics of general repercussion in extraordinary appeals sent to the STF[31].

Regarding the classification of documents, Victor aims to "automate the segregation and classification of legal documents pertinent to the general repercussion analysis via pattern recognition within the case files"[32]. According to the Supreme Federal Court's 2018 Management Report, Victor can classify five documents in case files in approximately 4 seconds, with an accuracy of 94.13%[33] . By comparison, a court employee would need 44 minutes to complete the same task[34]. This phase of

[28] The Supreme Court is expected to release a new AI tool in 2025. It is uncertain which new functionalities will be introduced, but as of the date of writing this article, no public information has been released.

[29] Supremo Tribunal Federal, Relatório de Gestão 2018 (2018) 125 https://www.stf.jus.br/arquivo/cms/transparenciaRelatorioGestao/anexo/relatorio_de_gestao_2018.pdf accessed 31 May 2025.

[30] Drummond and Depieri. Project Victor: The use of AI in the Brazilian Supreme Court. The Legal Technologist, Issue 12 (September 2020) https://www.legaltechnologist.co.uk/TheLegalTechnologistSept20.pdf accessed 31 May 2025.

[31] For those not familiar with Brazilian Civil Procedure, Drummond and Depieri have provided a brief explanation of the "Extraordinary Appeal":

> "The STF has jurisdiction over two types of cases: those filed initially with the STF, and "extraordinary appeals" - the latter representing roughly 70% of cases filed in 2019 (approx. 72,000 cases). Typically, these appeals argue that the decisions made by the lower courts violate the Brazilian Constitution. The Constitution rules that an "extraordinary appeal" must prove the existence of "general repercussion(s)". In other words, the underlying case must have a relevant social, political, economic or legal aspect of public interest. If an appeal reaches the STF, the STF then rules that a "theme" does or does not demonstrate general repercussion, setting a precedent for the lower Courts to subsequently apply the STF's decision to similar cases.
>
> However, issues arise when the bulk of appeals are not resolved: the Managing Director of the STF reportedly stated that half of the appeals in 2019, roughly 36,000 cases, were handed back to the lower Courts. Of these, a further half were handed back due to general repercussion issues.
>
> It goes without saying that the task of identifying and managing general repercussion decisions is repetitive, labour-intensive and time-consuming" (Drummond and Depieri. Project Victor: The use of AI in the Brazilian Supreme Court. The Legal Technologist, Issue 12 (September 2020) https://www.legaltechnologist.co.uk/TheLegalTechnologistSept20.pdf).

[32] Ibid.

[33] Supremo Tribunal Federal, Relatório de Gestão 2018 (relatório, Supremo Tribunal Federal, 2019) https://www.stf.jus.br/arquivo/cms/transparenciaRelatorioGestao/anexo/relatorio_de_gestao_2018.pdf accessed 30 June 2025.

[34] Supremo Tribunal Federal, 'STF apresenta inovações em seminário sobre Corte Constitucional Digital' (26 April 2021) https://portal.stf.jus.br/noticias/verNoticiaDetalhe.

identifying and segregating legal documents is crucial for structuring the data, enabling the correct use of the second feature.

The second feature aims to identify recurring themes of general repercussion in extraordinary appeals. In such a context, Victor can analyze extraordinary appeals to determine if any theme of general repercussion (i.e., a binding precedent that prevents specific topics from being discussed by the Supreme Federal Court) can be identified.

According to a publication by the Judiciary Innovation, Administration, and Research Centre at Fundação Getúlio Vargas (FGV), the database used for training the model comprised 22,000 Extraordinary Appeals petitions (equivalent to 3 terabytes of data) from 2014 to 2017 [35]. Additionally, according to the publication, Victor uses AI, specifically natural language processing, to perform four main steps. The first is the conversion of images into text. This happens because documents are generally input in formats that do not support machine reading. Therefore, it is necessary to use Optical Character Recognition (OCR) for this conversion in order to enable the use of Natural Language Processing (NLP) techniques. The second step is to divide the main parts of the case into separate PDF files. The third is the classification of these files according to what they represent within the case (the extraordinary appeal, decisions, etc). The fourth and final activity involves analyzing whether the case in question is similar to one of the most common topics of general repercussions. Victor performs all these activities in around five seconds.[36]

Victor's announcement started a wave of AI tools in the Brazilian judiciary. The country was not prepared for this shift, and there was no specific regulation in place at the time to guide the development of these tools – the first regulation on the topic was only implemented in August 2020.

Food for thought

Project Victor was a pioneer. The Brazilian Supreme Federal Court had an AI system running four years before ChatGPT was released to the public, and its development marked a milestone for the Brazilian innovation sector. However, in such a dynamic field, and considering the groundbreaking developments of AI over the past few years, it is unclear how this AI has been adjusted accordingly to the new technological developments. There is no publicly available data on how Victor has been updated or improved, and most available information refers to its initial phases of development, which occurred many years ago.

Due to this lack of publicly available information on the latest developments of Project Victor, it is also unclear how the dataset (used for machine learning) has been updated. Studies indicate that the algorithm was trained using lawsuits from 2014 to 2017[37]. However, case law evolves rapidly, and precision requires the constant updating of datasets.

There is also a lack of transparency around Victor's usage in decision-making processes. So far, there is no publicly available information on how many lawsuits were decided using Victor's assessments, and lawyers do not have the information on whether the AI has been used to assess a case.

[35]Fundação Getulio Vargas (FGV), Relatório Inteligência Artificial 3ª Edição (FGV 2025) 29 https://conhecimento.fgv.br/sites/default/files/2025-01/publicacoes/relatorio_ia_3a_edicao.pdf accessed 31 May 2025.

[36] Ibid 30.

[37] Ibid 29.

(ii) RAFA 2030 - Artificial Networks Focused on the United Nations 2030 Agenda

Brazil's Supreme Federal Court adopts internal policies to comply with the United Nations 2030 Agenda[38]. Among other activities, the Court developed RAFA 2030, an AI system specialised in classifying lawsuits based on the Sustainable Development Goals (SDGs)[39]. This tool began operations in 2022.

RAFA 2030 is an acronym for Artificial Networks Focused on the 2030 Agenda (in Portuguese, "Redes Artificiais Focadas na Agenda 2030"). In short, RAFA 2030 uses AI combined with other automation resources to support the classification of lawsuits under the objectives and goals of the United Nations 2030 Agenda".[40]

However, RAFA 2030 can only classify lawsuits if they are related to Sustainable Development Goals Nos. 3, 8, 10 and 16, because the other SDGs had a low occurrence within the data set it was trained on . The court reported that accuracy was above 90%.[42]

According to FGV's Judiciary Innovation, Administration and Research Center, the system has two main functionalities:

i. Classification in batches of processes – Suggestion for classifying large sets of processes, carried out through deep learning, machine learning and statistical learning models.

ii. Application to support individual process classification – An application developed in Shiny (R language package) that contains graphs, word counting tools, context search features, and other initiatives to assist in the classification activity. The initiative is not intended to replace the analysis of classifiers but instead aims to combine human and artificial intelligence for accurate classification in line with the UN 2030 Agenda.[43]

As of June 29, 2025, the tool monitored 3,801 lawsuits in the Supreme Federal Court, having identified 6,008 SDGs occurrences in them.[44]

Food for thought

RAFA 2030 primarily aims to classify lawsuits according to the UN Sustainable Development Goals. However, there is not enough public information about what follows the identification of a given SDG, such as a possible priority for judgment or that special attention should be given to international law or UN directives, for instance.

Brazil has 18 SDGs , but RAFA 2030 is trained to identify only four of them. Except for these four and SDG 18, the other goals are still manually classified by court members . In the case of SDG 18, voluntarily adopted by Brazil, there is no news of either future inclusion by the tool or manual classification.

After researching the Management Plans and Management Reports published by the STF since the launch of the tool and the Information Technology Master Plan (2023-2025) , we noticed the absence of an explicit forecast for the tool's expansion. The lack of improvement in the tool, such as training for other SDGs, may indicate that it has lost its place in the court's priorities following the growth in popularity of tools with more attractive features, such as those that directly help in the outcomes of lawsuits.

One aspect worth highlighting about RAFA 2030, which is not common in other tools, is the existence of a website that provides general and technical explanations about its operation, as well as real-time statistics . This represents a significant advancement in the transparency of AI systems, and it is something that other courts and judicial councils could replicate.

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[38] Supremo Tribunal Federal (STF), Resolução nº 710, de 20 de novembro de 2020 (STF 2020) https://portal.stf.jus.br/hotsites/agenda-2030/assets/img/RESOLUCAO710-2020.PDF acessado em 31 de maio de 2025.

[39] Luiz Fux, Pedro Felipe de Oliveira Santos, Aline Carlos Dourado Braga, Pamella Sada Dias Edokawa e Júlio Luz Sisson de Castro, 'Classificação de processos judiciais segundo Objetivos de Desenvolvimento Sustentável da Agenda ONU 2030' (2022) 14(26) Revista da CGU 172 https://revista.cgu.gov.br/Revista_da_CGU/article/view/548 acessado em 31 de maio de 2025.

[40] Supremo Tribunal Federal (STF), 'Agenda 2030' (2025) https://portal.stf.jus.br/hotsites/agenda-2030/ accessed 31 May 2025

[41] Fundação Getulio Vargas (FGV), Relatório Inteligência Artificial 3ª Edição (FGV 2025) 29 https://conhecimento.fgv.br/sites/default/files/2025-01/publicacoes/relatorio_ia_3a_edicao.pdf accessed 31 May 2025.

[42] Supremo Tribunal Federal (STF), 'Inteligência artificial no STF agiliza processos e garante celeridade na prestação jurisdicional' https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=481995&ori=1. Accessed 6 July 2025

[43] Ibid 26.

(iii) VitorIA - Similarity textual grouper

VictorIA aims to group lawsuits based on textual similarity to identify new legal controversies and waves of litigation, which helps the Constitutional Court to issue binding precedents on the most recurrent topics. The tool was launched on May 17, 2023, and it resulted from the work of an interdisciplinary team in the Artificial Intelligence Advisory Sector of the Court (AIA/STF). The Chief Advisor of AIA/STF at the time of the tool's launch stated that the project is "aimed at expanding the capacity to analyze lawsuits, issuing decisions with greater legal certainty, speed and consistency, preventing, for example, similar processes from having different outcomes"[51]. Similarly, Justice Rosa Weber highlighted that the AI offers greater consistency in decisions, contributing to legal certainty[52].

Unlike most AIs in Brazilian Courts, VictorIA has more information publicly available about its use and results. The STF's annual management reports inform civil society how many topics of general repercussion (i.e. binding precedents) the tool helped to create.

According to the STF's 2023 Management Report, in the same year the tool was implemented it helped identify four new topics of general repercussions[53] [54]. It has identified issues related to the salaries of municipal teachers, taxes, and tax enforcement, including administrative fines imposed by the National Land Transport Agency.

The STF's 2024 Management Report disclosed that the AI identified 19 new topics of general repercussions[55] [56]. The tool has identified more issues related to the salary of municipal teachers, taxes and fiscal issues, other topics related to judicial competence, legislative competence of the President, social security contributions, state responsibility for exposure to toxic chemicals and provision on health insurance.

It is noteworthy that most of the themes identified over the past two years relate to issues that have significant economic impacts, both in the public and private sectors.

(iv) MARIA - The first Generative Artificial Intelligence

On December 16, 2024, STF launched its first Generative AI. MARIA[57], created to assist Court employees with drafting documents.

MARIA has three main applications. First, it can summarize the Justices' votes, allowing court staff to automatically generate syllabi that contain a summary of the Justices' understanding of a given subject. Second, the tool can summarize the facts of a given lawsuit, which are used by Justices to issue merit decisions. Third, MARIA can be used to perform initial analysis of lawsuits - the AI is allegedly capable of analyzing case files and presenting "answers to the questions [of court staff] that guide the initial study of a given type of lawsuit" [58].

Despite these initial three applications, the President of the Supreme Federal Court stated that the tool "will soon be expanded to include the generation of reports and the automatic identification of related case law"[59], thereby increasing its role in the Court's decision-making process.

The President of the Court stressed that the outputs of the AI would always be analyzed by court staff and have human supervision. However, there are doubts about the extent to which humans will supervise the output of Generative AI.

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[51] Supremo Tribunal Federal (STF), 'STF finaliza testes de nova ferramenta de Inteligência Artificial' (2022) https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=507120&ori=1 acessado em 31 de maio de 2025.

[52] Ibid.

[53] Supremo Tribunal Federal (STF), Apresentação do Relatório de Gestão 2023 (STF 2024) 43, 133 https://www.stf.jus.br/arquivo/cms/transparenciaRelatorioGestao/anexo/RelatoriodeGestaoSTF2023.pdf acessado em 31 de maio de 2025.

[54] Supremo Tribunal Federal (STF), Relatório de Atividades 2023 (STF 2024) 133 https://www.stf.jus.br/arquivo/cms/centralDoCidadaoAcessoInformacaoGestaoEstrategica/anexo/RelatorioAtividadesSTF2023.pdf acessado em 31 de maio de 2025.5.

[55] Supremo Tribunal Federal (STF), Apresentação do Relatório de Gestão 2024 (STF 2025) 67 https://www.stf.jus.br/arquivo/cms/transparenciaRelatorioGestao/anexo/RelatriodeGesto2024.pdf acessado em 31 de maio de 2025.

[56] Supremo Tribunal Federal (STF), Relatório de Atividades 2024 (STF 2025) 90–91 https://www.stf.jus.br/arquivo/cms/centralDoCidadaoAcessoInformacaoGestaoEstrategica/anexo/RelatorioAtividadesSTF2024.pdf acessado em 31 de maio de 2025.

[57] An acronym for "Support Module for Writing with Artificial Intelligence", or "Módulo de Apoio para Redação com Inteligência Artificial" in Portuguese

[58] Supremo Tribunal Federal, 'STF lança MARIA, ferramenta de inteligência artificial que dará mais agilidade aos serviços do Tribunal' (16 December 2024) https://noticias.stf.jus.br/postsnoticias/stf-lanca-maria-ferramenta-de-inteligencia-artificial-que-dara-mais-agilidade-aos-servicos-do-tribunal/ accessed 1 June 2025.

[59] Ibid.

Food for thought

Due to the recency of MARIA, there is not enough publicly available information to assess its use and potential impacts on the decision-making process. We were only able to find information on news from the official STF webpage, which reveals very little about the technical or procedural aspects of AI. Transparency appears to be one of the main issues with the AIs of the Constitutional Court, particularly the latest ones.

A significant reflection concerns the court's declaration that the outputs of AI will always require human supervision. So far, there are no clear guidelines on how to supervise the outputs of AI. Especially considering the institutional use of Generative AI by the apex court, civil society should be apprehensive until further governance policies are effectively implemented.

The authors express concern about the use of Generative AI in the decision-making process. AI can be of great help in non-core judicial activities, assisting judges with workflow or administrative processes, but it should not completely replace human activity in decision-making. There is a tendency in the Judiciary, as shown in public declarations about MARIA's functionalities, to allow AI to enter the decision-making realm – performing tasks such as indicating case law to be used by judges and reporting on facts of cases. This trend is concerning, especially considering all the examples of misuse of Generative AI described in the chapters above.

CHAPTER 4

Regulatory Framework: the role of the National Council of Justice (CNJ) in harmonizing directives on the use of ai in the judiciary

Amidst the myriads of initiatives described in the chapters above, one might wonder who is supervising the nationwide implementation of AI tools. In Brazil, the leading authority responsible for overseeing this matter is the National Council of Justice (CNJ), an administrative and oversight organ of the Brazilian Judiciary. To better understand the legal framework on this matter, this Chapter will present the main regulations on the use of AI in the Brazilian Judiciary, aiming to provide a brief overview of the current state of the legal framework governing AI.

(i) CNJ Resolution No. 332/2020 and CNJ Ordinance No. 271/2020 - the first steps in regulating the use of AI in the Judiciary

As highlighted above, the use of AI in the Judiciary has intensified in recent years, emerging as a promising tool to assist in procedural management, data analysis, and the automation of repetitive tasks. Given the context of growth in the number of tools60, the National Council of Justice issued the first Resolution on the use of AI in the Brazilian Judiciary in 2020: Resolution No. 332/202061. This Resolution aimed to regulate the development and use of AI systems within the Judiciary. The standard sought to ensure that such technologies are used with respect for fundamental rights, transparency and governance, promoting legal certainty and reliability. It also included articles on accountability, the composition of the teams that developed the tools, the need for information for external users, and topics on governance. This Resolution was the first rule on the matter, inaugurating the regulatory debate in the CNJ.

In the same year, we also saw the publication of CNJ Ordinance No. 271/2020. This normative instrument, in brief, establishes rules governing the functioning of SINAPSES, a topic also addressed in the resolution. For this reason, we only mention its existence, but our attention will focus on highlighting the most important details of the Resolution.

The 2020 Resolution, composed of 31 articles, served as a solid starting point for regulating the topic within the Judiciary at the time. For the purposes of this article, five key takeaways from the Resolution are worth highlighting

The first is that the implementation of AI must "promote and deepen greater understanding between the law and human action, between freedom and judicial institutions"[62]. Its use should "aim to promote the well-being of those under the court's jurisdiction and the equitable delivery of justice, as well as to discover methods and practices that enable the achievement of these goals"[63].

The second concerns the definition of an AI model. According to the Resolution, an AI tool is a "set of data and computational algorithms, designed from mathematical models, whose purpose is to provide intelligent results, associated with or comparable to certain aspects of human thought, knowledge, or activity"[64].

The third was the inclusion of "Sinapses," a "computational solution maintained by the National Council of Justice, aimed at storing, testing, training, distributing, and auditing Artificial Intelligence models." In practice, this solution functions as a platform that contains information on almost all AI models developed within the Brazilian Judiciary[65].

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[60] Conselho Nacional de Justiça, 'Painel de Monitoramento da Estratégia Nacional do Poder Judiciário 2021–2026' (2025) https://paineisanalytics.cnj.jus.br/single/?appid=29d710f7-8d8f-47be-8af8-a9152545b771&sheet=b8267e5a-1f1f-41a7-90ff-d7a2f4ed34ea&lang=pt-BR&opt=ctxmenu,currsel accessed 1 June 2025.

[61] Conselho Nacional de Justiça, 'Resolução nº 332 de 21 de agosto de 2020: Dispõe sobre a ética, a transparência e a governança na produção e no uso de Inteligência Artificial no Poder Judiciário e dá outras providências' (DJe/CNJ nº 274, 25 de agosto de 2020) https://atos.cnj.jus.br/atos/detalhar/3429 accessed 1 June 2025.

[62] Ibid, article 1º.

[63] Ibid, article 2º.

[64] Ibid, article 3º, II.

[65] Ibid, article 3º, III.

The fourth refers to the obligation of compatibility with fundamental rights and the aim of ensuring legal certainty, as described in Article 5.

The **fifth** aspect is the requirement to comply with Law No. 13.709/2018 (LGPD), known as the Brazilian General Data Protection Law. This Law represents one of Brazil's most significant advances in data protection and was influenced by Regulation (EU) 2016/679 (the General Data Protection Regulation - GDPR).[67] Brazilian courts must adhere to the LGPD when using AI tools to ensure the protection of individuals' data. Compliance with the LGPD not only fosters transparency and accountability in automated decision-making but also reinforces public trust in the judiciary's commitment to ethical and lawful practices.

These aspects of the Resolution demonstrate that, despite being a concise text with limited details, it represented a significant advance on the subject.

However, technology has advanced significantly over the last five years, underscoring the need to update the Regulation with the latest developments and concerns related to AI. Consequently, a new resolution emerged in 2025.

(ii) CNJ Resolution No. 615/2025 - Advancing the AI regulation

Recently, the Brazilian Judiciary updated its regulation on the use of AI. Resolution No. 615/2025, published on March 11, 2025, by the National Council of Justice, establishes "guidelines for the development, use, and governance of solutions developed with artificial intelligence in the Judiciary"[68]. The new regulation revokes Resolution No. 332/2020, which previously served as the basis for the development and use of AI tools in this context. Thus, the regulation of AI use in the Brazilian judiciary is now governed by this new Resolution and CNJ Ordinance No. 271/2020.

The need for additional regulation of judicial activities became evident in the new resolution. According to this new legal framework, the 2020 resolution "was formulated with a focus on computational solutions aimed at assisting case management and the effectiveness of judicial services available at the time of its drafting" and, therefore, "it is now necessary to update this regulation to encompass new technologies, especially those known as generative artificial intelligence"[69].

The new regulation, effective as of 2025, is the result of work conducted by the National Council of Justice's Working Group, established in late 2023 to revise the 2020 resolution. Over several months, approximately 30 members were divided into teams and collaborated on drafting the new text. In September 2024, a public hearing was held to discuss a preliminary version of the resolution. From September 25 to 27, dozens of national and international contributors participated in the hearing. Their inputs were compiled, analyzed, and incorporated into the final version of the regulation[70].

The new resolution, which is longer and more detailed than the previous one, includes 47 articles and an annex listing tools considered high-risk. We highlight eight aspects of its provisions below that deserve special attention.

The **first** aspect concerns the objective of the regulation. According to the resolution, its goal is to "promote technological innovation and the efficiency of judicial services in a safe, transparent, equitable, and ethical manner, for the benefit of court users and with strict observance of their fundamental rights"[71]. In other words, beyond the already existing focus on compliance with fundamental rights, the regulation also explicitly emphasizes the importance of enabling technological innovation.

This concern, so significant that it is expressly stated in the regulation, appears to stem from previous comments suggesting that the introduction of a risk classification system for AI tools would classify most of the existing systems as high-risk, thereby increasing the workload for judicial teams that need to comply with new requirements. That was, however, the purpose of the rule, considering that the goal of a risk-based classification system is to impose stricter security and compliance requirements for high-risk tools.

The **second** aspect introduces the rule that courts nationwide must prioritise the collaborative development of AI solutions[72]. This recommendation stems from Brazil's size, the number of judicial bodies, and the courts' limited knowledge about AI projects being developed elsewhere. Consequently, multiple courts may be independently developing tools for the same purposes. One of the goals of the Sinapses platform - also addressed in this resolution - is to reduce such duplications. However, since the platform is updated only every 12 months, it is not an effective mechanism for preventing public funds from being wasted.

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[66] Brasil, Lei nº 13.709, de 14 de agosto de 2018, Lei Geral de Proteção de Dados Pessoais (LGPD), published on 15 August 2018, https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/l13709.htm.

[67] Richie Koch, 'What is the LGPD? Brazil's version of the GDPR' (GDPR.eu, 31 July 2019) https://gdpr.eu/gdpr-vs-lgpd/ accessed 1 June 2025

[68] Conselho Nacional de Justiça, 'Resolução nº 615, de 11 de março de 2025: Estabelece diretrizes para o desenvolvimento, utilização e governança de soluções desenvolvidas com recursos de inteligência artificial no Poder Judiciário' (2025) https://atos.cnj.jus.br/files/original1555302025031467d4517244566.pdf accessed 1 June 2025

[69] Ibid, justification 7.

[70] Conselho Nacional de Justiça, 'Audiência Pública – Inteligência Artificial no Poder Judiciário' (CNJ, 25–27 setembro 2024) https://www.cnj.jus.br/agendas/audiencia-publica-inteligencia-artificial-no-poder-judiciario/ accessed 4 june 2025.

[71] Ibid, article 1º.

[72] Ibid, article 25, §1º.

The **third** aspect is the inclusion, among the foundational principles for the use of AI in the Brazilian Judiciary, of the "centrality of the human person"[73] and their involvement and oversight in all stages and cycles of development and use. This establishes the intention to maintain AI tools as supportive, rather than substitutive, of human activity.

The **fourth** aspect pertains to the foundational definitions employed in the regulation. According to the resolution, an AI system is a "machine-based system that, with varying levels of autonomy and for explicit or implicit purposes, processes a set of provided data or information in order to generate probable and consistent outputs of decision, recommendation, or content that may influence the virtual, physical, or real environment"[74] [75]. Generative AI is defined as an "AI system specifically designed to generate or significantly modify, with different levels of autonomy, text, images, audio, video, or software code, as well as statistical and learning models based on trained data"[76].

Both definitions in the 2020 and 2025 resolutions recognize the technical nature of AI. The first is more detailed in this aspect, stating that it is a "set of data and computational algorithms, designed from mathematical models [...]". The second limited itself to saying that it is a machine-based system that processes data and information. Another observation is that the first resolution emphasized the comparison of the tool's purpose with human characteristics, a feature not observed in the current resolution.

The **fifth** aspect is a classification system identifying tools as high-risk or low-risk[77]. Among other features, high-risk tools include those used for "identifying profiles and behavioural patterns of individuals or groups" and "determining, assessing, classifying, and interpreting facts as criminal acts." Low-risk tools, on the other hand, include, among others, those used to "produce draft texts to assist in the preparation of judicial decisions, provided that the final version is created and supervised by the judge, particularly regarding preliminary matters and decisions on the merits" and those used for "executing routine procedural actions or administrative support tasks through information extraction from systems and documents, for purposes such as classification and grouping of data and cases, database enhancement, certification and transcription of judicial acts, summarization of documents, among other operational and procedural management functions, provided a human can supervises them".

The classification of AI tools by risk is a model adopted in other countries and follows a similar logic. The main idea is that by classifying tools according to the risks they pose, they must adhere to stricter due diligence obligations to mitigate those risks. The higher the risk, the greater the need for the tool's developer to follow safety procedures to minimize undesirable outcomes.

The **sixth** aspect is the prohibition of tools considered to be of excessive risk. These include:

The **seventh** aspect relates to the establishment of the National Committee on Artificial Intelligence in the Judiciary. Among its responsibilities are updating the criteria for classifying the risks associated with AI systems; assessing the suitability of using third-party AI solutions developed by the private sector; determining the need for, and frequency of, audits and monitoring activities; and defining and implementing standardized technical audit protocols. The committee must also ensure that all AI systems used by the Judiciary undergo audits prior to deployment and, whenever possible, periodic re-evaluations[79].

The **eighth** and final aspect concerns the regulation's entry into force and the timeline for judicial bodies to comply with their provisions. Although the resolution was published on March 11, 2025, it will only take effect 120 days later. However, under the sole paragraph of Article 45, courts will have 12 months from the date of publication to adapt their AI projects, whether under development or already in use, to the new requirements established by the resolution

The new resolution presents a longer and more detailed regulatory framework, marking a significant step forward on the issue. In the coming months, attention will turn to assessing the efficiency and effectiveness

[73] Ibid, article 2º, IV e V.

[74] Ibid, article 4º, I.

[75] It is interesting to highlight Brazil's attempt to align itself with the OECD. Some of the normative instruments clearly use the OECD definition of AI. However, this is not a rule. We also have other normative instruments that adopt different concepts, which may demonstrate a lack of national coordination on the production of regulations on the subject. Regarding the OECD concept of AI, we recommend: OECD, Explanatory Memorandum on the Updated OECD Definition of an AI System (OECD Publishing 2024) https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/03/explanatory-memorandum-on-the-updated-oecd-definition-of-an-ai-system_3c815e51/623da898-en.pdf. Accessed 6 July 2025.

[76] Ibid, article 4º, IX.

[77] Ibid, Anex.

I – tools that do not allow for human review of proposed results throughout their training, development, and usage cycles or that create absolute user dependence on their outputs, with no possibility of alteration or review;

II – tools that evaluate personal traits, characteristics, or behaviours of individuals or groups in order to assess or predict criminal behaviour or recidivism to justify judicial decisions, as well as for predictive or statistical purposes in labour law cases based on personal profiling;

III – tools that classify or rank individuals based on behaviour, social status, or personality traits to assess the plausibility of their rights, judicial merit, or testimonies; and

IV – tools used for biometric pattern recognition to detect emotions.

[78] Ibid, article 10.

[79] Ibid, article 16.

of its implementation. As the Brazilian Judiciary remains in the early stages of engaging with this topic, a growing concern is whether the National Council of Justice will be equipped to manage the volume of data it will receive, given its expanded responsibilities and oversight powers.

(iii) Other initiatives on regulating AI in Brazil

In addition to the CNJ regulations discussed above, other legislative and regulatory initiatives also merit attention due to their impact on the use of AI in the Judiciary. As will be further explored, there are several norms, both binding and aspirational, at the federal, state and municipal levels that influence the governance of AI within the judicial system[80].

Rules on the Federal Level[81]

The **first** initiative is Bill No. 2.338 of 2023, which regulates the "development, promotion and ethical and responsible use of artificial intelligence based on the centrality of the human person". The project is still under discussion in the Chamber of Deputies, having already been passed by the Federal Senate[82] [83].

Among the main points addressed in the text are: (i) the statement that the law aims to "protect fundamental rights, promote responsible innovation and competitiveness, and ensure the implementation of safe and reliable systems for the benefit of individuals, the democratic regime, and social, scientific, technological, and economic development" (Article 1); (ii) the inclusion of 30 key definitions related to the field (Article 4); (iii) the adoption of a risk-based classification model for AI systems; (iv) the guarantee of the right to request an explanation and to challenge decisions made by high-risk systems (Article 6, I and II); (v) the establishment of governance measures (Chapters IV and V); (vi) the mandatory requirement for algorithmic impact assessments by developers or implementers (Article 25); (vii) the clarification that civil liability for damages caused by AI systems remains subject to existing legislation (Article 35); (viii) the creation of the National Artificial Intelligence Regulation and Governance System; and (ix) the provision for administrative sanctions (Article 50).[84]

The **second** refers to the recently updated Brazilian Artificial Intelligence Plan (PBIA), which envisions investments of up to 23 billion reais by 2028 and aims to position Brazil as a leading global player in the field of Artificial Intelligence[85].

The **third** initiative is the regulation issued by the Brazilian Superior Electoral Court concerning the use of AI in elections. Although the Court has regulated electoral advertising since 2019[86], these rules were strengthened in February 2024 through Resolution No. 23.732[87], which specifically addresses issues related to AI. Key provisions include: (i) the prohibition of deepfakes; (ii) the requirement to disclose the use of AI in electoral campaigns; and (iii) restrictions on the use of bots to mediate communication with voters on social media[88].

Despite this regulation, the report 'AI in the First Round of Voting: What Have We Seen So Far?' by Aláfia Lab and Data Privacy Brasil noted that Brazil did not experience a widespread use of AI to generate disinformation, and that much of the fake news circulating did not involve this technology . As a result, electoral courts were not required to interpret or enforce the AI-related provisions of the resolution. However, the report also warned that the 2026 general elections may present a different scenario, as "the use of AI technologies and applications is likely to become increasingly embedded in people's daily lives and in how they produce and consume information"[90].

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[80] The legal framework outlined in this article is not exhaustive. Other initiatives might also have important implications for AI governance, such as the Brazilian Civil Rights Framework for the Internet (Marco Civil da Internet) and the General Data Protection Law (LGPD).

[81] It is also worth noting that Bill No. 4/2025 proposes a reform of the Civil Code and includes significant provisions related to AI development. The current draft (which may undergo substantial changes during congressional debates) contains a dedicated chapter on artificial intelligence. However, it was not included in this article, as it remains in the early stages of legislative processing.

[82] For more information about Brazilian Legislative procedures: Chamber of Deputies of Brazil, Making Laws (Câmara dos Deputados, no date) https://www2.camara.leg.br/english/making-laws accessed 2 June 2025.

[83] As this concerns a bill that is still under discussion, we expressly note that the text remains subject to change, which may render some of the comments in this section outdated. The most recent version of the bill available for review is dated January 31, 2025.

[84] Federal Senate of Brazil, Projeto de Lei nº 2.338, de 2023. Available at: https://legis.senado.leg.br/sdleg-getter/documento?dm=9915448&ts=1742240908123&disposition=inline accessed 2 June 2025.

[85] Centro de Gestão e Estudos Estratégicos (CGEE), Política Brasileira de Inteligência Artificial: subsídios para o debate (CGEE 2020). https://www.cgee.org.br/documents/10195/11009772/CGEE_PBIA.PDF. Accessed 6 July 2025.

[86] Superior Electoral Court (Brazil), Resolution nº 23.610 of 18 December 2019 (TSE, 2019) https://www.tse.jus.br/legislacao/compilada/res/2019/resolucao-no-23-610-de-18-de-dezembro-de-2019 accessed 2 June 2025.

[87] Superior Electoral Court (Brazil), Resolution nº 23.732 of 27 February 2024 (TSE, 2024) https://www.tse.jus.br/legislacao/compilada/res/2024/resolucao-no-23-732-de-27-de-fevereiro-de-2024 accessed 2 June 2025.

[88] Superior Electoral Court (Brazil), 'TSE proíbe uso de inteligência artificial para criar e propagar conteúdos falsos nas eleições' (TSE, 27 February 2024) https://www.tse.jus.br/comunicacao/noticias/2024/Fevereiro/tse-proibe-uso-de-inteligencia-artificial-para-criar-e-propagar-conteudos-falsos-nas-eleicoes accessed 2 June 2025.

[89] Matheus S Cruz, Nina Santos, Rodrigo Carreiro, Lizete Nóbrega e Gabriel Amorim, IA no primeiro turno: o que vimos até aqui (Aláfia Lab & Data Privacy Brasil, 2024) https://www.dataprivacybr.org/wp-content/uploads/2024/10/RELATORIO-Balanco-OBi-Documento-A4.pdf accessed 2 June 2025.

[90] Ibid.

The **fourth** initiative is Law No. 15.123, of April 24, 2025[91], which amended the Brazilian Penal Code (Decree-Law No. 2,848, of December 7, 1940) to increase the penalty for the crime of psychological violence against women when committed using artificial intelligence. This measure represents a significant advancement, especially considering that women have frequently been targeted by crimes facilitated by AI technologies. According to Article 147-B, this offense is defined as any act intended to cause emotional harm to a woman that impairs or disrupts her full development, or seeks to degrade or control her actions, behaviors, beliefs, or decisions—through means such as threats, coercion, humiliation, manipulation, isolation, blackmail, ridicule, restriction of movement, or any other conduct that undermines her psychological well-being and self-determination. The prescribed penalty is imprisonment from six months to two years, and a fine, if the act does not constitute a more serious offense. The new law adds a sole paragraph to this article, establishing that "the penalty is increased by half if the crime is committed through the use of artificial intelligence or any other technological means that alters the victim's image or voice."

The **fifth** initiative is Ordinance No. 961, issued by the Ministry of Justice and Public Security and published on June 24, 2025[92]. This ordinance regulates the use of technologies in criminal investigations and public security intelligence activities. Regarding artificial intelligence, it authorizes its use in the following circumstances: (i) during investigations or criminal proceedings, with prior and reasoned judicial authorization, where there is reasonable evidence of authorship or participation in a criminal offense, the evidence cannot be obtained by other means, and the offense is not considered of minor offensive potential; (ii) in the search for crime victims, missing persons, or in situations involving a serious and imminent threat to the life or physical integrity of individuals; (iii) in cases of flagrant crimes punishable by a maximum custodial sentence of more than two years, with immediate notification to judicial authorities; (iv) for the recapture of escaped defendants or inmates; and (v) to enforce arrest warrants issued by the Judiciary and to implement the measures and penalties outlined in section II of Article 319 of the Code of Criminal Procedure and item IV of Article 47 of the Penal Code.

Rules on the State and Municipal Level

The sixth initiative is Law No. 16.321, dated April 22, 2024[93], enacted by the Municipality of Curitiba (State of Paraná). This municipal law: (i) establishes principles and guidelines for the adoption and use of artificial intelligence within municipal public administration; (ii) defines artificial intelligence as a "computing system that, based on specific human programming, can perform tasks including, but not limited to, learning and adaptation, pattern recognition, natural language processing, making and suggesting complex decisions, and interacting within various environments"; (iii) sets out five fundamental ethical values to be upheld in AI implementation and use – "the dignity and appreciation of the human person, the inviolability of intimacy, honour and image, non-discrimination, the pursuit of justice, and commitment to the public good"; and (iv) encourages collaboration among different bodies and sectors to share knowledge, experiences, and best practices related to artificial intelligence.

The **seventh** initiative is Law No. 22,324, dated April 2, 2025[94], enacted by the State of Paraná. This law establishes state-level standards and, according to Article 1, aims to implement the AI Guidelines Plan within the State Public Administration to "promote the development and the ethical, transparent, and efficient use of AI technologies within the Executive Branch of the State of Paraná".

The **eighth** and most recent initiative is Complementary Law No. 205, dated May 19, 2025[95], from the State of Goiás. Like Paraná's law, its application is limited to the state's territory. This law establishes: (i) the creation of the State Policy to Promote Innovation in AI; (ii) guidelines to foster AI development in sectors such as public education, the productive sector, and scientific research; (iii) the integration of AI education in an interdisciplinary manner within the regular curriculum (particularly in Mathematics, Sciences, IT, and Humanities) with an emphasis on solving local, regional, and global problems (Article 59, sole paragraph); and (iv) the creation of the Permanent State Artificial Intelligence Sandbox, a continuous experimental regulatory environment designed to develop, test, and responsibly implement innovative AI-based solutions, aiming to reduce regulatory barriers, encourage open innovation, and provide legal certainty to technological initiatives addressing social, economic, and environmental challenges (Article 32, caput and sole paragraph).

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[91] Lei nº 15.123, de 24 de abril de 2025: altera o art. 147-B do Decreto-Lei nº 2.848, de 7 de dezembro de 1940 (Código Penal), para estabelecer causa de aumento de pena no crime de violência psicológica contra a mulher quando praticado mediante uso de inteligência artificial ou de qualquer outro recurso tecnológico que altere imagem ou som da vítima (No Diário Oficial da União de 25 de abril de 2025) https://www.planalto.gov.br/ccivil_03/_Ato2023-2026/2025/Lei/L15123.htm#art2 accessed 1 July 2025.

[92] https://www.gov.br/mj/pt-br/assuntos/noticias/portaria-do-mjsp-regulamenta-uso-de-tecnologia-em-investigacoes-criminais-e-inteligencia-de-seguranca-publica/portaria-mjsp-no-961-de-24-de-junho-de-2025-portaria-mjsp-no-961-de-24-de-junho-de-2025-dou-imprensa-nacional.pdf

[93] Município de Curitiba, Lei Ordinária nº 16 321, de 2024: estabelece princípios e diretrizes para a implementação e o uso da inteligência artificial no âmbito da administração pública municipal direta e indireta (2024) https://leismunicipais.com.br/a/pr/c/curitiba/lei-ordinaria/2024/1633/16321/lei-ordinaria-n-16321-2024-estabelece-principios-e-diretrizes-para-a-implementacao-e-o-uso-da-inteligencia-artificial-no-ambito-da-administracao-publica-municipal-direta-e-indireta accessed 30 June 2025.

[94] Assembleia Legislativa do Estado do Paraná, Lei nº 22.324 de 2 de abril de 2025 (ALEP, 2025) https://www.aen.pr.gov.br/sites/default/arquivos_restritos/files/documento/2025-04/pl528.2024lei22.324_ass.pdf acessado em 2 de junho de 2025.

[95] Assembleia Legislativa do Estado de Goiás, Lei Complementar nº 205 de 19 de maio de 2025 (ALEGO, 2025) https://legisla.casacivil.go.gov.br/pesquisa_legislacao/110694/lei-complementar-205 acessado em 2 de junho de 2025.

Other Soft Law Regulation

The **last** initiative mentioned in this article is Recommendation No. 1, dated November 11, 2024, issued by the Federal Council of the Brazilian Bar Association (OAB). Lawyers play a crucial role in the administration of justice and are frequent users of generative AI systems. A study found that 55.1% of surveyed lawyers use generative AI daily or weekly in their professional routine[96]. This is particularly significant given the total number of lawyers in Brazil: by October 2023, the Brazilian Bar Association had registered 1,370,476 lawyers[97], representing the highest ratio of lawyers per inhabitant worldwide - approximately one lawyer for every 164 residents[98]. Unlike the National Council of Justice, which regulates the judiciary and already faces numerous challenges, the Brazilian Bar Association has limited to no capacity to monitor the appropriate or inappropriate use of AI systems by lawyers, relying primarily on investigations triggered by reports of misuse

Therefore, despite challenges in enforcement, the Recommendation serves as an important soft law directive regarding AI use by lawyers. While the Recommendation is straightforward and offers only general guidance, it reflects the Federal Council of the Brazilian Bar Association's active role in AI-related legal discussions. For the purposes of this study, we highlight seven key aspects

The first aspect addresses the duty of lawyers to ensure the confidentiality and professional secrecy of their clients' data when using AI tools. The second highlights the need for professionals to exercise caution when submitting sensitive data for training the AI systems they utilize. The third prohibits chatbots and other AI tools from performing activities exclusive to the legal profession, such as "legal consultancy, advice, and direction." The fourth recommends caution when using generative AI for researching legal scholarship and case law, due to the risk of hallucinations. The fifth emphasizes the importance of lawyers participating in continuing education programs on legal technologies to develop adequate AI literacy. The sixth requires that lawyers inform clients about the use of AI tools, with such use being permitted only with the client's consent. Finally, the seventh aspect states that communication with clients cannot be done solely from content generated by generative AI systems, safeguarding the client's right to interact with a human being upon request

[96] OAB-SP, Trybe, Jusbrasil e Instituto de Tecnologia e Sociedade (ITS-Rio). Impacto da IA Generativa no Direito: Panorama sobre adoção e percepções. Available at: https://docsend.com/view/3w7pn2nfmz4sje3a. accessed 1 July 2025.

[97] Conselho Federal da Ordem dos Advogados do Brasil and Fundação Getúlio Vargas, Perfil ADV: 1.º Estudo Demográfico da Advocacia Brasileira (OAB/FGV, April 2024) https://s.oab.org.br/arquivos/2024/04/68f66ec3-1485-42c9-809d-02b938b88f96.pdf accessed 5 July 2025.

[98] Ibid.

[94]Assembleia Legislativa do Estado do Paraná, Lei nº 22.324 de 2 de abril de 2025 (ALEP, 2025) https://www.aen.pr.gov.br/sites/default/arquivos_restritos/files/documento/2025-04/pl528.2024lei22.324_ass.pdf acessado em 2 de junho de 2025.

[95] Assembleia Legislativa do Estado de Goiás, Lei Complementar nº 205 de 19 de maio de 2025 (ALEGO, 2025) https://legisla.casacivil.go.gov.br/pesquisa_legislacao/110694/lei-complementar-205 acessado em 2 de junho de 2025.

[96] OAB-SP, Trybe, Jusbrasil e Instituto de Tecnologia e Sociedade (ITS-Rio). Impacto da IA Generativa no Direito: Panorama sobre adoção e percepções. Available at: https://docsend.com/view/3w7pn2nfmz4sje3a. accessed 1 July 2025.

[97] Conselho Federal da Ordem dos Advogados do Brasil and Fundação Getúlio Vargas, Perfil ADV: 1.º Estudo Demográfico da Advocacia Brasileira (OAB/FGV, April 2024) https://s.oab.org.br/arquivos/2024/04/68f66ec3-1485-42c9-809d-02b938b88f96.pdf accessed 5 July 2025.

[98] Ibid.

CHAPTER 5

Conclusion and Final Remarks

This study briefly highlights recent developments in the use of AI within the Brazilian Judicial System. As noted throughout this draft, Brazil is experiencing a surge of numerous uncoordinated initiatives that could have lasting effects on the rule of law as currently understood. Many AI systems are already being used in courts, and judges are employing generative AI to draft decisions - sometimes with disclosure, sometimes without. Despite the National Council of Justice's efforts to enact regulations and conduct research, the Brazilian Public Administration still faces significant challenges in ensuring the responsible use of AI.

The goal of this article was not to propose solutions for improving AI governance in the Judiciary. There is no single answer, and any proposal would need to address key concepts and challenges related to public law, the distribution of power, judicial independence, algorithmic transparency and explainability, as well as many other critical and sensitive issues at the intersection of law and technology. Rather than offering solutions, our aim was to provide an overview of the current landscape to encourage public debate. The significance of this research lies in the fact that, although AI use in the Judiciary is one of the most important facets of the modern rule of law with potentially systemic and widespread impacts on citizens' rights, reliable data from public sources remain difficult to obtain

The issues and concerns raised throughout this study undoubtedly warrant further research, and we encourage scholars worldwide to examine the Brazilian experience with AI in the Judiciary and contribute to the ongoing discussion on this important topic

We conclude this article with six remarks about the use of AI in Brazilian Courts:

1. **TRANSPARENCY.** There is a significant lack of transparency surrounding nearly all AI tools adopted by the Brazilian Judiciary. For most projects, available information is limited to official press releases or media reports, which often serve more as institutional publicity than as genuine mechanisms of public accountability. Although platforms like SINAPSES have been created to promote transparency, they have not been sufficient to ensure public access to detailed information about how these tools function. Even for the most prominent systems, meaningful scrutiny by civil society remains unfeasible. This opacity severely undermines the capacity of oversight bodies and the public to effectively monitor and control these technologies.

2. **INSTITUTIONAL OVERSIGHT AND GOVERNANCE.** The National Council of Justice (CNJ) - particularly through its National Committee on Artificial Intelligence in the Judiciary, which is set to begin its work soon - is the designated body responsible for overseeing the implementation of AI in the Judiciary. While judicial independence is essential, unchecked autonomy risks leading to a fragmented and uncoordinated deployment of AI tools. As of now, it remains uncertain how effective the mechanisms established by Resolution CNJ No. 615/2025 will be in halting the development or use of high-risk AI projects, given the limited evidence of public authorities intervening to prevent misuse.

3. **AI DEVELOPMENT PARTNERSHIPS.** Partnerships for developing AI in the Judiciary require careful scrutiny. Collaborations between the Judiciary and private sector entities - especially those that are frequent litigants before the courts - pose significant risks of bias and reduce transparency. For instance, public statements about potential partnerships with major technology companies such as Google, Microsoft, and Amazon underscore the urgent need to reevaluate the frameworks and limits of these collaborations to protect judicial integrity.

4. **ENSURING CIVIL SOCIETY PARTICIPATION AND OVERSIGHT.** There is an urgent need to establish mechanisms that enable civil society to verify, participate in, and oversee judicial AI systems. Deploying technologies that directly impact judicial decision-making without involving affected citizens in their auditing poses a serious threat to the democratic rule of law. At present, the scarcity of publicly available information and limited opportunities for public engagement hinder effective oversight of AI use in the judiciary, increasing risks to fundamental rights and undermining the credibility of the justice system.

5. **THE NEED TO IMPROVE DIGITAL LITERACY ON IA.** The increasing adoption of artificial intelligence in the Brazilian judiciary highlights the urgent need to improve digital literacy among judges, court staff, and legal professionals. According to Nunes[99], institutions must go beyond basic training and invest in continuous education that enables users to understand the risks, limitations, and ethical implications of AI in legal practice. This includes the ability to critically assess algorithmic outputs, identify potential biases, and ensure human oversight in decision-making. Enhancing digital literacy in courts is essential to uphold legal reasoning, transparency, and accountability in an increasingly automated judicial environment.

6. **NO SIMPLE SOLUTIONS, BUT URGENT NEED FOR RESEARCH AND REFORM.** This article does not offer detailed solutions but aims to stimulate public and academic debate on ensuring that AI use in the Judiciary adheres to legal and ethical standards. The complex legal, ethical, and practical challenges arising from the rapid adoption of AI in the Brazilian Judiciary have no simple or one-size-fits-all answers. What is urgently needed is a sustained research agenda supported by multidisciplinary collaboration and a commitment to institutional reform. This should include empirical evaluation of the real-world impacts of judicial AI, development of adaptive and binding regulatory frameworks, and the establishment of participatory mechanisms that enable meaningful civil society oversight. Only through such a comprehensive and dynamic approach can the benefits of AI be harnessed while minimizing systemic risks to fundamental rights and preserving judicial impartiality and legitimacy.

[99] Dierle Nunes. Instituições precisam de letramento digital em IA para uso no direito, ConJur – Consultor Jurídico (Opinión, 24 May 2025) https://www.conjur.com.br/2025-mai-24/precisamos-falar-do-treinamento-para-o-uso-de-inteligencia-artificial-no-direito/ accessed 30 June 2025.