

Answers from Brazil (Association of Brazilian Judges – AMB)

2024 Questionnaire of the 1st Study Commission IAJ-UIM “The Effects of Artificial Intelligence on the Judiciary”

Questions:

1) Do judges in your country utilize artificial intelligence technology (“AI”), and how so?

Answer: Yes, they do. According to the National Council of Justice of Brazil (“Conselho Nacional de Justiça” – CNJ, in Portuguese), Artificial Intelligence is one of the new technologies used by Brazilian courts to promote celerity and effectiveness in the routine of Judiciary Branch’s professionals. Some examples of the use of AI in Brazilian legal procedures are the Sinapses platform, which stores, distributes and connects AI models developed by different courts and aims to assist the work of judges and law clerks; and “Victor” platform, implemented by Brazilian Supreme Court (“Supremo Tribunal Federal” – STF).

a) If not, have judges in your country considered utilizing AI, and, if so, in what ways?

N/A

b) Is the use of AI in legal proceedings regulated?

Answer: Yes, it is. Although a general law regulating the use of AI in Brazil is still pending a vote in the National Congress, the Resolution No. 332 of 21st August 2020, issued by the National Council of Justice (CNJ), is responsible for the regulation of AI in legal proceedings, providing for ethics, transparency and governance in the production and use of Artificial Intelligence in the Judiciary.

c) Does the use of AI impact the handling of evidence?

Answer: No, it doesn’t. The use of AI is not meant to be used in the handling of evidence by the moment.

2) What are the pros and cons of having judges utilize AI?

Answer: There is the fear that the AI could replace judges' work in the future and also that the AI could be biased and influenced by prejudice. Likewise, there is the fear that the personal data processed by AI would not be well protected. On the other hand, AI speeds up judicial processes, freeing up time and human resources for cases that require a higher level of concentration and deep studying. What's more, AI can find out patterns and nuances that end up facilitating the identification of relevant precedents.

a) What are the possible effects of AI on the administration of justice?

Answer: According to the aforementioned Resolution 332 of the CNJ, AI seeks to promote the well-being of those under jurisdiction and the equitable provision of jurisdiction, as well as find out methods and practices that enable the achievement of those objectives. Not surprisingly, AI highlights the efficiency and consistency of Justice. A side effect, however, may be the reduction of human sensitivity in decision-making, which is a challenge for an administration of Justice focused on the needs and concerns of society.

b) What are the possible effects of AI on judicial independence?

Answer: According to Justice Luís Roberto Barroso, the President of the Brazilian Supreme Court, AI can lead to the massification of disinformation and, therefore, be a dangerous tool that attacks democracy and institutions. For this reason, the independence of the Judiciary can be at risk until the use of AI is effectively regulated in Brazil.

3) Should there be limits on the use of AI by judges, and, if so, to what extent?

Answer: AI should be used as a tool to help judges in their work, and not as something to replace the Judge's role of ruling a case. Furthermore, judges

should observe the compatibility of AI with Fundamental Rights and be aware of treating personal data with caution.

Proposal for 2025 topic: Please submit your proposals for possible topics to be treated in 2025 together with the answers to this questionnaire.

Topic for 2025: Independence of Judges as Protectors of Environmental Law

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