

THE APPLICATION OF LEGAL DESIGN AND VISUAL LAW IN PROMOTING ACCESS TO JUSTICE IN BRAZIL

APLICAÇÃO DE LEGAL DESIGN E VISUAL LAW NA PROMOÇÃO DO ACESSO À JUSTIÇA NO BRASIL

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Abstract

This article analyzes the use of Legal Design and Visual Law as contributions to optimizing access to justice within the Brazilian Judiciary. It draws on bibliographic and indirect documentary research and applies the deductive method. Four projects centered on user experience and on improving legal communication—drawn from the principal branches of the Brazilian Judiciary—are examined, indicating that operational initiatives grounded in Legal Design and Visual Law can optimize access to justice in Brazil. Adopting these methodologies is shown to be a present-day goal engaging the Judiciary as a whole, in line with the National Strategy formulated by the National Council of Justice, which seeks to strengthen the institution's relationship with society through communication techniques and procedures that are clear, agile, and easy to understand. The field is fertile for case studies, particularly qualitative research capable of capturing the views of the ultimate recipients of judicial services before and after the implementation of Legal Design and Visual Law projects⁴.

Keywords: *Justice 4.0; optimized justice; access to justice; Legal Design; Visual Law.*

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Summary: 1. Introduction; 2. Innovation Management in the Judiciary; 3. Design Thinking; 4. Legal Design and Visual Law; 5. Optimizing Justice through Design; 6. Final Considerations; References.

1 INTRODUCTION

This article analyzes the use of Legal Design and Visual Law as contributions to optimizing access to justice within the Brazilian Judiciary.

It starts from the premise that, in social practice, different methodological scales do not necessarily exist in isolation but rather integrate in various ways. Creativity and innovation thus act as catalysts that turn scientific thinking into concrete results.

The approach adopted in this study is deductive, moving from broad premises about the state of the art and its general landscape toward a particular perspective concerned with applying technological innovations to the optimization of access to justice. Bibliographic and documentary research techniques, serving as doctrinal sources and as a means of gathering data, provide the basis for applying the deductive method.

A broad survey of the legal system reveals that laws are generally accessible and, on their face, legible, yet they remain incomprehensible to the actual user—creating linguistic barriers to grasping the true meaning of the rules and, consequently, to accessing justice under the rule of law.

Although access to laws and to judicial services has clearly expanded in recent years—owing to factors such as the cost-free provision of justice and the introduction of electronic court proceedings—communication within the proceedings still rests on a legal language that remains inaccessible to most citizens.

This study advocates implementing and disseminating innovative tools to enhance judicial communication and thereby optimize access to justice. It reviews data from the *Justiça em Números* (Justice in Numbers) report, examines four projects under way in the state, federal, and labor branches of the judiciary⁵, and draws on empirical research conducted with judges.

The premise that applying Design Thinking, Legal Design, and Visual Law can enhance access to justice is borne out. This occurs through the use of simplified language and the pursuit of efficiency in sharing internal procedural information, with a focus on the experience of the justice system's users. Together, these strategies culminate in an improved communication process.

Although the Latin maxim *ignorantia juris non excusat* holds that ignorance of the law is no excuse, statutes and judicial decisions are seldom drafted to be readily understood by the ordinary citizen.

⁵ The Brazilian Judiciary is divided into specialized branches: the ordinary courts—comprising the State Justice and the Federal Justice—and the specialized courts of the Labor, Electoral, and Military Justice. Each branch is generally organized into a first instance (trial courts, or *varas*) and a second instance (the appellate courts, or *tribunais*), and the system is headed by superior courts and, at its apex, the Federal Supreme Court. The state, federal, and labor branches referred to here are those with the largest caseloads.

Paradoxically, people are expected to know rules that are difficult to understand. In practice, the primary audience for legal rules appears to be those who apply them, rather than those who must comply with them.

All too often, those bound by the rules only “discover” the applicable legal rule—or come to understand it more clearly—when it is already too late: after they have failed to comply. It is therefore reasonable to argue that the law can be made more comprehensible by being made more visual.

Against this backdrop, the study seeks to examine whether the tools offered by Legal Design and Visual Law can be genuinely meaningful and effective for the law. On this basis, it aims to confirm the hypothesis that these movements hold beneficial potential as a means of improving and optimizing the Brazilian justice system.

The study is significant because debate on the subject identifies the social problems surrounding the legal system and investigates, presents, and proposes solutions that foster the development of societies that optimize justice.

2 INNOVATION MANAGEMENT IN THE JUDICIARY

The *Justiça em Números* (Justice in Numbers) report, published by the National Council of Justice (Conselho Nacional de Justiça – CNJ)⁶, is a key document containing reliable and relevant data for a diagnostic understanding of the Brazilian Judiciary and, of course, of access to justice in the country. Each year the report offers a portrait of the Judiciary, with indicators and aggregate data on litigation, financial resources, and human resources, making it an indispensable reference for anyone seeking to understand how the Judiciary operates.

The report’s first edition was published in 2004, based on the information then available for the 2003 reference year⁷. The 2022 edition (2021 reference year), available at the time of this study, was produced using data from the National Judiciary Database (Base Nacional de Dados do Poder Judiciário – DataJud) as the primary source for the Judiciary’s Statistics System (Sistema de Estatística do Poder Judiciário – SIESPJ). Unlike previous editions, it reached a new methodological milestone: data were no longer entered manually by each court but drawn from a single source, making the figures in the *Justiça em Números* report more reliable still⁸.

⁶ The National Council of Justice (*Conselho Nacional de Justiça* – CNJ) is a body of the Brazilian Judiciary, established in 2004, charged with overseeing the Judiciary’s administrative and financial management and with formulating national judicial policy. It does not exercise jurisdiction—that is, it does not decide cases—but coordinates, plans, and supervises the courts nationwide.

⁷ BRASIL, Conselho Nacional de Justiça, *Justiça em Números 2004*, Brasília, CNJ, 2004, Available at https://www.cnj.jus.br/wp-content/uploads/2011/02/justica_numeros_2003.pdf, Accessed on April 30, 2023.

⁸ BRASIL, Conselho Nacional de Justiça, *Justiça em Números 2022*, Brasília, CNJ, 2022, Available at <https://www.cnj.jus.br/wp-content/uploads/2022/09/justica-em-numeros-2022.pdf>, Accessed on September 5, 2022.

Whereas in the early 2000s little was known in concrete terms about the empirical challenges of judicial administration, in recent years a comparative analysis of the data reported across the successive editions of *Justiça em Números* has made it possible to identify significant “advances in the production, systematization, and dissemination of quantitative and qualitative data concerning the Judiciary”⁹.

The available time series on pending cases covers data reported since 2009, when the Brazilian Judiciary’s backlog stood at 60.7 million cases. This figure peaked in 2016 at 79.9 million. Although the stock fell considerably over the following four years, reaching 75.9 million in 2020, current data show an upward trend, since 77.3 million cases were recorded as pending at the end of 2021¹⁰.

Comparing the time series of new and resolved cases shows a gain in the Judiciary’s efficiency between 2016 and 2019, when resolved cases rose from 29.2 million in 2016 to 35.3 million in 2019. The greater efficiency of this period kept pace with the growing number of new cases (from 29 million in 2016 to 30.2 million in 2019), driving the downward trend observed in the backlog¹¹.

The current upward trend in the case stock is due essentially to the drop in efficiency in 2020, when 11.1 million fewer cases were resolved than in 2019. And the rise in resolved cases in 2021, to 26.9 million, did not surpass the number of new cases filed in that period (27.7 million)¹².

The Magistrate Productivity Index (Índice de Produtividade da Magistratura – IPM)¹³, calculated from the ratio between the number of resolved cases and the number of judges, is closely tied to the rise or fall of the pending caseload. The available time series shows an upward trend from 1,471 cases resolved per judge in 2010 to 2,112 in 2019, followed by a sharp drop in 2020, when the IPM stood at 1,423 cases resolved per judge. In 2021 the IPM was 1,588¹⁴.

According to the *Justiça em Números* 2022 report, the considerable fall in the IPM in 2020 can be regarded as an effect of the COVID-19 pandemic¹⁵.

In any case, the current picture is alarming: the 2021 IPM of 1,588 fell well short of the historical high of 2,112 in 2019, resulting in 800,000 fewer cases resolved than filed in 2021 and raising the stock to 77.3 million pending cases¹⁶.

⁹ Cruz, Fabrício Bittencourt da, *CNJ concede Selo Justiça em Números a 56 tribunais*, Available at <https://www.cnj.jus.br/cnj-concede-selo-justica-em-numeros-a-56-tribunais/>, Accessed on April 31, 2023.

¹⁰ BRASIL, Conselho Nacional de Justiça, *Justiça em Números 2022*, Brasília, CNJ, 2022, Figura 53, fl. 107. Available at <https://www.cnj.jus.br/wp-content/uploads/2022/09/justica-em-numeros-2022.pdf>, Accessed on April 31, 2023.

¹¹ Ibid., Figura 54, fl. 107.

¹² Ibid.

¹³ In Brazil, the terms “magistracy” (*magistratura*) and “magistrate” (*magistrado*) refer to the career judiciary and its members—that is, to professional, tenured judges—and not to the lay or lower judicial officers that “magistrate” may denote in some common-law systems.

¹⁴ Ibid., Figura 67, fl. 119.

¹⁵ Ibid.

To this must be added the Congestion Rate, which measures the percentage of cases held up without resolution relative to the total in progress. In 2021 it stood at 74.2%, and the available time series, beginning in 2009, shows that the Brazilian Judiciary has never had a congestion rate below 68.7%¹⁶.

This picture points to the need to make the justice system more efficient, optimizing it on several fronts—such as the Conciliation Policy, which the National Council of Justice has promoted since the launch of the Conciliation Movement in 2006, with striking results¹⁷.

The environment is ripe for a new movement, likewise spearheaded by the CNJ: the Justice 4.0 Program (Programa Justiça 4.0 “–Innovation and Effectiveness in Delivering Justice for All”), which aims to promote access to justice by implementing initiatives and projects that draw on new technologies to ensure “faster, more effective, and more accessible services”¹⁹.

The Justice 4.0 Program encourages the creation of collaborative solutions to streamline the work of judges, court staff, and attorneys, focusing on productivity, speed, governance, and procedural transparency. It is aligned with the National Judiciary Strategy for the 2021–2026 six-year period, established by CNJ Resolution 325²⁰.

The National Judiciary Strategy sets as a national goal the improvement of outcomes under the macro-challenge “Strengthening the Judiciary’s institutional relationship with society,” through communication strategies and procedures that are clear, agile, and expressed in easily understandable language, as well as through speed and productivity in adjudication and the promotion of user satisfaction by means of technological innovation²¹.

The strategy also encompasses a macro-challenge concerning the improvement of administrative management and judicial governance. To this end, CNJ Resolution 395/2021 established the Innovation Management Policy for the Judiciary, aimed at enhancing the work of judicial bodies by spreading a culture of innovation and modernizing the methods and techniques used to deliver judicial services²².

¹⁶ Ibid., Figura 67, fl. 119.

¹⁷ Ibid., Figura 75, fl. 127.

¹⁸ The Conciliation Index corresponds to the percentage of judgments ratifying settlements between the parties relative to the total number of judgments and terminative decisions issued; it reached 11.9% in 2021 (Ibid., Figura 139, fl. 202).

¹⁹ BRASIL, Conselho Nacional de Justiça, *Justiça 4.0*, Available at <https://www.cnj.jus.br/tecnologia-da-informacao-e-comunicacao/justica-4-0/>, Accessed on April 31, 2023.

²⁰ Ibid.

²¹ BRASIL, Conselho Nacional de Justiça, *Macrodesafios 2021-2026*, Available at <https://www.cnj.jus.br/g-estao-estrategica-e-planejamento/estrategia-nacional-do-poder-judiciario-2021-2026/processo-de-formulacao/macrodesafios-2021-2026>, Accessed on April 31, 2023.

²² BRASIL, Conselho Nacional de Justiça, *Resolução 395, de 7 de junho de 2021*, Available at <https://atos.cnj.jus.br/files/original1259312021060960c0bb3333a4f.pdf>, Accessed on April 31, 2023.

Management and innovation strategies, together with the adoption of new methodologies and agile techniques to improve the justice system and overcome its challenges, are therefore present-day objectives engaging the entire Brazilian Judiciary.

We are living in an age in which one must know not only “how to render judgment in good time” but, above all, “how to approach a case so that the interests at stake are realized more efficiently and in less time”²³.

The convergence of law and innovation, and the reconciliation of the traditional legal field with the often disruptive thinking that comes from other disciplines, is essential to the evolution of the justice system. Such progress is crucial to meeting the Judiciary’s current macro-challenges.

Interdisciplinarity opens up a range of methodological possibilities, revealing new operational horizons and enabling the system to be optimized. Design Thinking, Legal Design, and Visual Law have the potential to catalyze this optimization, particularly with respect to access to justice.

3 DESIGN THINKING

Design Thinking is a human-centered methodology for solving problems²⁴. It is a method focused on organizing the creative process and assessing technologically efficient solutions and innovations, supporting the conception, planning, creation, and use of a document, product, or service. Among the many domains in which it can be applied, one notable example is the capture of messages through principles of graphic interface design and content production—the very setting in which Legal Design is practiced²⁵.

Traditional scientific approaches require clearly defined scripts for addressing, analyzing, and interrogating problems. Design Thinking, by contrast, is a distinctive way of approaching and thinking about problems—an ideal process for generating insights into human problems in order to devise innovative ways of tackling them²⁶.

According to Marine Barbaroux, Design Thinking comprises five fundamental stages: empathy, synthesis, ideation, prototyping, and testing²⁷. In the first stage, which involves empathy, the author stresses the importance of

²³ AZEVEDO, André Gomma de, *Desafios de Acesso à Justiça ante o Fortalecimento da Autocomposição como Política Pública Nacional*, In: *Conciliação e mediação: estruturação da política judiciária nacional*, Rio de Janeiro, Forense, 2011.

²⁴ BROWN, Tim, *Design Thinking*, Harvard Business Review, 2008, Available at <https://readings.design/PDF/Tim%20Brown,%20Design%20Thinking.pdf>, Accessed on September 1, 2022.

²⁵ MAIA, Ana Carolina; NYBO, Erik Fontenele; CUNHA, Mayara, *Legal design: criando documentos que fazem sentido para os usuários*, São Paulo: Saraiva, 2020, E-book.

²⁶ BARBAROUX, Marine, *Untangling Ux, Part 1: Design Thinking vs UCD*, Cambridge Consultants, 2016, Available at <https://www.cambridgeconsultants.com/us/node/33036>, Accessed on September 1, 2022.

²⁷ Ibid.

understanding and connecting with the prospective users of the product or service being designed. To this end, she suggests conducting interviews, using ethnographic techniques, or even stepping into the users' shoes for a time²⁸.

The second stage involves synthesizing the information gathered. Barbaroux explains that the focus should be on clearly defining the problem to be solved, always taking the user's point of view into account²⁹.

In the third stage, known as ideation, the goal is to generate a large number of ideas for solving the identified problem. Barbaroux emphasizes that it is essential to encourage innovation, since the first ideas are usually not innovative enough³⁰.

Prototyping is the fourth stage of the Design Thinking process as described by Barbaroux. At this point, prototypes must be created to validate the ideas. The author notes that prototypes need not be highly detailed, but they should allow users to interact with them and provide feedback on their effectiveness³¹.

Finally, in the fifth stage, the author emphasizes the importance of testing the ideas with users in order to identify what works and what needs to be improved so as to develop a high-quality final product³².

By following the stages proposed by Marine Barbaroux, it is possible to create an efficient, user-centered approach to developing innovative products or services. After all, because the central aim of the method is to test the prototype with prospective users as quickly as possible, users identify what does and does not work, helping to refine the prototype as many times as needed to achieve the desired result.

Because one of the foundational principles of Design Thinking is the human-centered approach, the method is recognized precisely for laying out a clear strategy to create products and services conceived around and for the user, turning complex challenges into design opportunities for solving problems in innovative ways³³.

Collaborative, multidisciplinary exploration is inherent in Design Thinking, prompting professionals to pursue a more radical form of collaboration—legal design—as a new field of practice. In this context, both the designer who becomes familiar with the legal world and the lawyer who learns to think and work through design can become legal designers (Legal Designers)³⁴.

Legal Design thus amounts to a new mindset, and Visual Law—as will be seen below—to a set of new skills and tools available to professionals who wish to contribute to a more accessible, effective, and optimized justice system.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ BROWN, Tim, Op. Cit.

³⁴ JI, Xiaoyu, *Where design and law meet, An empirical study for understanding legal design and its implication for research and practice*. Department of Design. Aalto University School of Arts, Design and Architecture, Helsinki, 2019.

4 LEGAL DESIGN AND VISUAL LAW

Legal Design is inspired by Design Thinking and tends to connect design, technology, and law without abandoning the human-centered approach³⁵.

Legal Design is therefore also human-centered: through a humanistic, empathetic outlook, it seeks to improve the products and services offered to users of the justice system. Legal and judicial communication can be enhanced by a better understanding of the needs and profile of the actual addressees of laws and judicial decisions, affording greater clarity and making it possible to achieve better outcomes through more strategic and effective solutions.

Precisely because it aspires to encompass the techniques and methods of design, technology, and law, Legal Design calls for interdisciplinary collaboration between legal and design professionals in creating and prototyping new techniques and technologies—such as incorporating Visual Law to make legal communication more comprehensible, user-friendly, and productive.

Holtz and Coelho sum up the use of design as “creating things that people can and want to use,” of law as “promoting a correct and just society and empowering people,” and of technology as “enhancing the effectiveness of human action”³⁶.

Margaret Hagan describes Legal Design as an approach centered on designing legal services that put people and their contexts first. The aim is to rethink the status quo, explore possible improvements, and assess the potential of technologies as an effective intervention³⁷.

According to Hagan, the Legal Design approach rests on three pillars: process, mindset, and mechanics. Together, these elements seek to improve everyone’s understanding of the rules and systems applicable to the matter at hand, fostering smarter and more effective strategies³⁸.

Hagan notes that this approach can be applied at two distinct levels of magnitude—incremental and innovative—making it a method with considerable potential to transform legal services, rendering them more user-centered and efficient on either a small or a large scale³⁹.

Design Thinking serves as a source of inspiration for applying methods and adapting mindsets in conceiving and rethinking legal services, processes, and

³⁵ AZEVEDO E SOUZA, Bernardo de, *Mais de 70% dos juizes brasileiros são favoráveis ao Visual Law*, Available at <https://bernardodeazevedo.com/conteudos/mais-de-70-dos-juizes-brasileiros-sao-favoraveis-ao-visual-law/>, Accessed on September 1, 2022.

³⁶ HOLTZ, Ana Paula Ulandowski; COELHO, Alexandre Zavaglia. *Legal Design Visual Law: Comunicação entre o universo do Direito e os demais setores da sociedade*, RT. Thomson Reuters, 2020, E-book, Available at <https://www.thomsonreuters.com.br/content/dam/openweb/documents/pdf/Brazil/white-paper/legal-one-e-book-visual-law-2020.pdf>, Accessed on May 7, 2023.

³⁷ HAGAN, Margaret, *Law by Design*, Available at <https://lawbydesign.co/legal-design/>, Accessed on August 7, 2022.

³⁸ Ibid.

³⁹ Ibid.

problems. It presupposes empathy with users' specific needs, the use of divergent thinking to generate a wide range of ideas, the rapid prototyping of potential solutions for real users, and, often, a leading role for the users themselves from the moment the first prototypes are conceived.

The implementation of Legal Design can extend to legal relationships and settings in a variety of forms—for instance, solving problems in the dynamics between judges and litigants, between judges and court staff, and between public servants and attorneys⁴⁰.

Visual art, as a means of communicating the law, is not synonymous with design, but it is a key element in the Legal Designer's toolkit⁴¹.

This key element, called Visual Law, is a visual language applied to law through tables, figures, and charts in order to make a document more aesthetically appealing. To take shape as an element of Legal Design, it must achieve clear, practical functionality for the document's users, making it easier to read and understand⁴².

Visual Law is thus not confined to applying visual concepts to projects in the legal field. It forms part of completing a design project aimed at improving communication and delivering legal information in pleadings, judgments, contracts, and initiatives to transform the legal environment. Among many other possibilities, it includes adapting the communication of legal documents to make them more accessible and clearer with the support of graphic elements⁴³.

The aim of Legal Design, through Visual Law, is to bring people closer to legal information—optimizing access to justice and humanizing judicial communication through clearer and more effective messages. It proceeds from a more practical approach, anchored in human experience and user satisfaction, in which solving the problem takes pride of place.

Without seeking to replace text, the new tools of legal communication use visual elements to strengthen communication that relies on text alone. Supported by images, videos, icons, maps, and infographics that can individualize the problem and tailor the message to its recipient, information strategies are made more effective⁴⁴.

The Digital Age, grounded in information design, brings cognitive and persuasive benefits to those involved, enhancing communication and the ability to retain and understand digitized information. The use of visual resources for the legal products and services made available by Legal Design—the parent field of Visual

⁴⁰ NUNES, Dierle; RODRIGUES, Larissa Holanda Andrade Rodrigues, *O Contraditório e sua implementação pelo Design, Design Thinking, Legal Design e Visual Law como abordagens de Implementação Efetiva da Influência*, In: *Inteligência Artificial e Direito Processual: Os Impactos da Virada Tecnológica no Direito Processual*, Salvador: Editora JusPodivm, 2020.

⁴¹ DOHERTY, Michael, *Comprehensibility as a rule of law requirement: the role of legal design in delivering access to law*, Journal of Open Access to Law, Volume 8, N. 1, 2020.

⁴² MAIA, Ana Carolina; NYBO, Erik Fontenele; CUNHA, Mayara, *Legal design: criando documentos que fazem sentido para os usuários*, São Paulo: Saraiva, 2020, E-book.

⁴³ HOLTZ, Ana Paula Ulandowski; COELHO, Alexandre Zavaglia. Op. Cit.

⁴⁴ Ibid.

Law—improves legal communication and makes the law more accessible to everyone, including laypersons⁴⁵.

5 OPTIMIZING JUSTICE THROUGH DESIGN

The tools now available in the Digital Age have brought considerable improvements to legal routines, both within and outside court proceedings. On the other hand, digital conveniences—especially the widespread use of copy-and-paste tools—have produced a worrying distortion: the proliferation of lengthy pleadings and judgments⁴⁶.

Excessively long texts can hinder comprehension and create noise in communication within proceedings, contributing significantly to errors of interpretation and, consequently, to greater procedural delay. The *Petição 10, Sentença 10* (Petition 10, Judgment 10) project of the Court of Justice of the State of Rio Grande do Sul (TJRS) centers on limiting the length of pleadings and judgments to ten pages, setting a practical benchmark for such documents⁴⁷.

Conceived by the ECOJUS Environmental Unit⁴⁸, also of the TJRS, in partnership with the Center for Innovation and Judicial Administration of the Superior School of the Magistracy, the project urges practitioners to treat lengthy texts as the exception rather than the rule⁴⁹.

The *Petição 10, Sentença 10* project provides fertile ground for developing more user-centered communication strategies within judicial proceedings. It is fully in tune with Design Thinking—a central element of Legal Design—and has the potential to foster, document, and disseminate good practices in Visual Law. This can help improve pleadings, orders, and judgments, thereby promoting greater access to justice.

Judge Laryssa Angélica Copack Muniz leads the *Resumo de Sentença* (Judgment Summary) project, which can optimize access to justice through the use of “simple yet assertive language, aided by images and graphic design, to communicate with the recipient of a criminal sentence, conveying a clearer understanding of what happened during the proceedings and of its outcome.”⁵⁰

According to Judge Muniz, a criminal sentence published in text form alone is technical and complex and is therefore not understood by the convicted person.

⁴⁵ BRITTO, Melina Carla de Souza; CRUZ, Fabrício Bittencourt da. *Visual Law e inovação: uma nova percepção para o processo eletrônico no direito brasileiro*, Humanidades & Inovação, v. 8, p. 226-234, 2021.

⁴⁶ BRASIL, Tribunal de Justiça do Rio Grande do Sul, *Petição 10, Sentença 10*, Available at: <https://www.tjrs.jus.br/novo/comunicacao/acoes-e-programas-institucionais/peticao-10-sentenca-10/>, Accessed on September 4, 2022.

⁴⁷ Ibid.

⁴⁸ The ECOJUS Environmental Unit aims to promote good environmental-management practices within the Judiciary of Rio Grande do Sul by creating an environment conducive to attitudinal and behavioral change with respect to “the environment and society, combating waste, fostering human advancement, and making the institution a benchmark for public administration” (Ibid.).

⁴⁹ Ibid.

⁵⁰ COPACK MUNIZ, Laryssa Angelica. *Resumo de Sentença*, Available at <https://www.premioinnovare.com.br/pratica/resumo-de-sentenca/71>, Accessed on April 31, 2023.

For this reason, she began to summarize it using Visual Law techniques, “attaching this summary to the original judgment so that the court officer can deliver it to the recipient”⁵¹.

In the Labor Courts, Judge Paulo Henrique Tavares da Silva uses Visual Law elements in his decisions, making them more accessible and understandable through distinctive features: clear headnotes setting out the subject and outcome of the decision, an aesthetic focused on visual cues, plain and direct language, and citations of case law via QR codes and hyperlinks⁵².

Federal Judge Fabrício Bittencourt da Cruz leads the *Você sabe com quem está falando?* (Do You Know Who You Are Speaking With?) project, which aims to improve the summons to serve a criminal sentence by using plain language and a Visual Law handbook⁵³.

The *Você sabe com quem está falando?* project, developed collaboratively at the 1st Federal Court of Ponta Grossa, Paraná⁵⁴, is a strategy built on Design Thinking and Visual Law not only to make communication in criminal enforcement more accessible and effective but, above all, to streamline the summons order and eliminate the need for the admonitory hearing^{55/56}.

Besides improving communication within the proceedings, the *Você sabe com quem está falando?* project helps save financial resources, since it makes the admonitory hearing unnecessary. The project represents fertile ground for future qualitative and quantitative research, especially given its capacity to be replicated in other criminal courts across the country⁵⁷.

Because they come from the main branches of the Brazilian Judiciary in terms of caseload, budget, and human resources (the State Courts, the Federal

⁵¹ Ibid.

⁵² BRASIL, Tribunal Regional do Trabalho 13ª Região, *Juiz da 5ª VT usa ferramenta de inovação tecnológica Visual Law para simplificar decisões judiciais*, Poder Judiciário, 2021. Available at <https://www.trt13.jus.br/informe-se/noticias/juiz-usa-ferramenta-de-inovacao-tecnologica-visual-law-para-simplificar-decisoes-judiciais-1>. Accessed on September 5, 2022.

⁵³ CRUZ, Fabrício Bittencourt da; FLORENZANO, Karina Mara Bueno Gurski; CEZEREVATY, João Leandro; PINHEIRO, Helena Swiech, *Você Sabe com quem está falando?*, Available at <https://miro.com/app/board/uXjVMWf18-8/>, Accessed on May 7, 2023.

⁵⁴ Ibid.

⁵⁵ In Brazilian criminal procedure, the enforcement of the sentence (*execução penal*) is the stage at which a final criminal conviction is carried out. The admonitory hearing (*audiência admonitória*) is a court hearing held at that stage, at which the convicted person is formally notified of the sentence and advised of the conditions and consequences of serving it.

⁵⁶ The Visual Law handbook prototype is open source and is available for download or updating at https://www.canva.com/design/DAFTW5tudIM/KPKEf7ZroYGErFXjNFnXA/edit?utm_content=DAFTW5tudIM&utm_campaign=designshare&utm_medium=link2&utm_source=sharebutton, Accessed on May 7, 2023.

⁵⁷ The project is a finalist for the Inspiralize 4JF Award, created by the Innovation and Creativity Laboratory of the Federal Regional Court of the 4th Region to “inspire and encourage the creation of innovative, concrete solutions to problems affecting the Court’s activities through collaborative working methods,” with selection and the award ceremony to take place on June 1, 2023. Available at <https://wegov.com.br/inspiralize-4jf/>, Accessed on May 10, 2023.

Courts, and the Labor Courts), these four projects indicate that the Legal Design movement and the use of Visual Law tools hold enormous potential for optimizing access to justice in Brazil⁵⁸.

Bernardo Azevedo e Sousa conducted the empirical study “Visual Elements in Pleadings from the Judiciary’s Perspective” in the state and federal court branches, gathering the views of more than 500 judges on the use of Visual Law in procedural documents and finding that more than 70% of respondents favor Visual Law in such documents⁵⁹.

Asked whether the use of visual elements makes a pleading easier or harder to review, 77.9% of state judges and 77.12% of federal judges answered that it is a beneficial technique, provided it is used in moderation⁶⁰.

The study thus demonstrates the Brazilian Judiciary’s receptiveness to Visual Law, in that the technique tends to ensure clear, comprehensible, and noise-free communication⁶¹.

6 FINAL CONSIDERATIONS

As noted, in quantitative terms the cases pending before the Brazilian Judiciary continue on an upward trend. This is especially true in light of the drop in efficiency in 2020, when 11.1 million fewer cases were concluded than in 2019, and the insufficient recovery in 2021, when the 26.9 million cases concluded did not surpass the 27.7 million new cases filed in that period. Moreover, the Magistrate Productivity Index of 1,588 in 2021 was considerably lower than the historical peak of 2,112 recorded in 2019.

The current picture is alarming: in 2021, 800,000 fewer cases were concluded than were filed, raising the backlog to 77.3 million pending cases. The Congestion Rate in 2021 was 74.2%.

The environment has become conducive to implementing the Justice 4.0 Program, under the guidance of the CNJ, in harmony with the National Judiciary Strategy for the 2021–2026 period.

The National Judiciary Strategy includes the adoption of communication techniques and of procedures that are clear, agile, and easy to understand. It further emphasizes agility, productivity in adjudication, and the promotion of user satisfaction through technological innovation. Management and innovation strategies, then, together with the adoption of new methodologies and agile

⁵⁸ BRASIL, Conselho Nacional de Justiça, *Justiça em Números 2022*, Brasília, CNJ, 2022, Available at <https://www.cnj.jus.br/wp-content/uploads/2022/09/justica-em-numeros-2022.pdf>, Accessed on April 31, 2023.

⁵⁹ AZEVEDO E SOUZA, Bernardo de, *Mais de 70% dos juízes brasileiros são favoráveis ao Visual Law*, Available at <https://bernardodeazevedo.com/conteudos/mais-de-70-dos-juizes-brasileiros-sao-favoraveis-ao-visual-law/>, Accessed on September 1, 2022.

⁶⁰ AZEVEDO E SOUZA, Bernardo de, Op. Cit.

⁶¹ Ibid.

techniques to improve the justice system and overcome its challenges, are present-day objectives engaging the entire Brazilian Judiciary.

The convergence of law and innovation, and the reconciliation of the traditional legal field with the often disruptive thinking of other disciplines, is essential to the evolution of the justice system. That evolution is directed at meeting the Judiciary's current macro-challenges, which notably go beyond a purely quantitative assessment of how the Brazilian Judiciary performs.

According to the CNJ's guidelines for the 2021–2026 period, the quality of judicial services is a paramount consideration, alongside the traditional quantitative assessments. It is therefore apt to discuss optimizing access to justice through interdisciplinarity, which opens up a range of methodological possibilities, reveals new operational horizons, and makes it possible to optimize the system. Methods such as Design Thinking and Legal Design, and tools drawn from Visual Law, have the potential to catalyze this optimization, particularly with respect to access to justice.

The four projects discussed in this study demonstrate that the Legal Design movement and the use of Visual Law hold enormous potential to optimize access to justice in Brazil.

Bernardo Azevedo's empirical study points to strong receptiveness on the part of the Brazilian judiciary to the moderate use of these tools, with a view to improving the experience of the recipients of procedural communication and of the real users of the country's justice service⁶².

The present challenge is to train professionals with an innovative mindset in applying the Design Thinking and Legal Design methodologies and in using Visual Law tools.

There is ample room for future case studies, especially the qualitative research—still lacking—that could capture the views of the ultimate recipients of judicial services before and after the implementation of Legal Design and Visual Law projects.

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⁶² Ibid.

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