

*JUDICIARY SECTION OF PIAUÍ
ORDINANCE N. 180/2016-DIREF*

*Approves the regulation of the Public Policy Conciliation Circle
of the Federal Court of Piauí.*

The HON. FEDERAL JUDGE AGLIBERTO GOMES MACHADO, Director of the Judicial Branch of the State of Piauí Forum, Federal Court of the 1st Region, in the use of its legal attributions, CONSIDERING the emphasis placed on conciliation and mediation, specifically in Code of Civil Procedure (Law n. 13105/2015);

CONSIDERING that conciliation regarding public policy is a powerful tool in the effectiveness of rights that demand positive action from the State;

CONSIDERING that conciliation allows the proceeding to reframe the idea of parties, endorsing the opening of arguments for the community and build a sharing solution for the effectiveness of a program of action;

CONSIDERING the procedures outlined in Resolution n. 125/2010 of the National Council of Justice, markedly in its art. 8, §1;

CONSIDERING the terms of the PRESI Resolution no. 31/2015 of the Federal Regional Court of the 1st Region;

CONSIDERING The ordinance No. 143/2015 - DIREF;

DECIDES:

Art. 1 The regulation of the Public Policy Conciliation Circle of the Federal Court of Piauí is approved, under the terms of the ANNEX.

PUBLISH. REGISTER. COMPLY.

AGLIBERTO GOMES MACHADO

Federal Judge Director of the Forum

MARINA ROCHA CAVALCANTI BARROS MENDES

Coordinator of the Judicial Conciliation Center of the Judicial Section of Piauí

ANNEX
REGULATION OF THE
PUBLIC POLICY CONCILIATION CIRCLE
OF THE FEDERAL JUSTICE OF PIAUÍ

CHAPTER I
GENERAL PROVISIONS

Art 1. *The Public Policy Conciliation Circle of the Federal Court of Piauí is a line of action of the Judicial Center for Conflict Resolution and Citizenship of the Judiciary Section of Piauí.*

Art. 2. *It is responsible for The Public Policy Conciliation Circle of the Federal Justice of Piauí, the Coordinator of the Judicial Center for Conflict Resolution and Citizenship of the Judicial Section Branch of Piauí and, in the absence of the coordinator, the deputy, designated by an act of the Federal Regional Court of the 1st Region.*

Art. 3. *It is understood by public policies the set of programs, actions and activities developed by the State, aimed at ensuring a specific diffuse citizenship right or for a specific social, cultural, ethnic or economic.*

Art. 4. *These principles guide the activities of The Public Policy Conciliation Circle:*

I – shared construction of the solution

II - ending of conflict

III - respect for technical considerations

IV - facing the causes of the problem

V - openness to the construction of alternative solutions

VI - gradualness of action

VII - results monitoring

Article 5. *It is up to the Public Policy Conciliation Circle to attempt to promote conciliation in the following hypothesis:*

I - legal actions, whether collective or individual, concerning the implementation or revision of public policies, requested by the judge conducting the trial or at the request of a party;

II - pre-procedural preceding, dealing with the implementation or revision of public policies, if requested by an interest party;

III - repetitive legal actions, which final solution depends on the implementation or revision of existing public policy.

*Sole paragraph. In the hypothesis of point c, the procedure adopted will be named **Conversion Mechanism for Collective Resolution - CMCR**, according to rules defined in Chapter IV of this Regulation.*

Art. 6. *It will not be authorized in the Public Policy Conciliation Circle of the Federal Court of Piauí legal cases filings, in which a possible request for injunctive relief has not yet been examined by the judge of origin, except in the case of express authorization of the party to postpone the examination of the claim.*

Art. 7. *The appointment of the judicial proceedings in progress in the civil courts of the Judicial Branch of Piauí, including subsections, for the Public Policy Conciliation Circle of the Federal Court of Piauí, can arise by the initiative of the judge conducting the proceedings or from the request of one of the parties.*

Art. 8. *Previously selected conciliators will jointly act with the Public Policy Conciliation Circle of the Federal Court of Piauí, in accordance with Resolution n. 125, of 11/29/2010, of the National Council of Justice, who may preside conciliation hearings.*

Art. 9. *The responsibility for the secretarial service of the Public Policy Conciliation Circle belongs to the supporting public servants of the Judicial Center for Conflict Resolution and Citizenship of the Judicial Branch of Piauí, which includes the following attributions:*

I – keep the Public Policy Conciliation Circle of the Federal Court of Piauí designated hearings schedule updated;

II - issue the records needed for the communication of the parties;

III - document the statistical numbers and provide the corresponding information when requested;

IV - track the established deadlines;

V - provide records, certifications and proceedings stages;

VI - keep the assistance to the public at the designated time schedule;

VII - maintain control of the documentation, information, time and frequency of conciliators, in the terms required by the Federal Regional Court of 1st. Region and Council National Justice;

VIII - track the deadlines for suspension of proceedings;

IX - track compliance with established schedules in the conciliation hearing proceedings, arranging the preparation of minutes of the letters addressed to the involved parties, among others measures;

X - communicate to the conciliating judge responsible for the conciliation of any absence or omission of the parties involved;

XI - prepare a circumstantial report of the proceedings sent to the Public Policy Conciliation Circle as they being processed.

CHAPTER II PROCEDURE

Art. 10. Upon receipt by the Public Policy Conciliation Circle of Federal Court of Piauí, the judicial proceedings or pre-judicial proceedings, after the admissibility ruling by the Coordinating Judge, will be recorded at the Secretariat, responsible for designating THE POSITIONS IDENTIFICATION HEARING.

Art. 11. For the positions identification hearing, from the initiative of the parties or the conciliatory judge, other public agencies, entities or technicians and experts on the discussed subject matter may be summoned, which, although they are not parties of the proceeding, can contribute to the satisfaction of the inquire brought for discussion.

§1. The schedule of hearings list of the Public Policy Conciliation Circle must be published electronically to enable the participation of potential interested parties.

§2. It is authorized to establish agreements and partnerships with higher educational institutions to fulfill the provision set on the caput of this article, and to monitor results, as set in item VII of art. 4.

Art. 12. The summons of the parties to appear at the hearing should be also addressed to the technical area of the plaintiff or defendant, and not only to his legal representation.

Sole paragraph. In complex proceedings, it is authorized the Public Policy Conciliation Circle to issue subpoenas and invitations by alternative means easier to understanding by the general population.

Art. 13. The positions identification hearing has the following objectives:

I - identify the position of each of the parties regarding the inquire presented by the plaintiff;

II - map the scene and the history in the context where the controversy is inserted;

III - determine the limitations and possibilities of each one of those involved;

IV - establish a coupled schedule of measures that will allow the objective of the inquire to be achieved.

Art. 14. Once the schedule has been established by the involved entities, the Public Policy Conciliation Circle of the Federal Justice of Piauí shall monitor its implementation regularly.

Art. 15. If the deadline established for the implementation of the subsequent measure is greater than 60 (sixty) days, the proceedings shall be suspended for the same corresponding period.

Art. 16. Incidental questions, detrimental questions and questions related to the dispute composition shall be resolved by the acting judges in the Public Policy Conciliation Circle of the Federal Court of Piauí.

Art. 17. Incidents and other matters not directly related to the conciliation shall be suspended until the transaction is completed, except, in any situation, questions of urgency.

Art. 18. Once the agreement has been formalized, it shall be authorized by one of the judges within the Circle, or, in the absence thereof, by any of the acting judges in the Judicial Branch of Piauí, or Subsection, with the validity of a judicial enforcement order.

Art. 19. In judicial proceedings in which there is an authorized agreement regarding the schedule to be adopted, even if the authorization has not been granted by a judgment, the conciliatory judge shall impose fines and other penalties in case of noncompliance.

CHAPTER III

PRE-PROCEDURAL CONCILIATION PROCEEDING

Art. 20. Anyone with an interest to resolve a conflict involving the establishment, alteration or implementation of public policy, upon prior agreement attempt with another party, and without the need to start judicial proceedings, may file a pre-procedural complaint with the Public Policy Conciliation Circle.

Art. 21. The request, clearly identified as a pre-procedural complaint shall be addressed to the Public Policy Conciliation Circle and shall have the complete information of all parties, the controversy that motivates the appointment and the request to attempt to reach an agreement.

§1. It is understood, for the purpose of this resolution, a pre-procedural claim as the simple request to attempt to reach an agreement, without any further request for judicial injunction relief or definitive judicial protection, even if of a successive or subsidiary nature.

§2. If there is any further request for judicial injunction relief or definitive judicial protection, the classification of the lawsuit shall be done, with the distribution to the authorized court and observing the rules regarding the conciliation proceedings.

§3. In pre-procedural claims, the plaintiff must instruct the application only with a copy of the supporting documents of the submitted claims, keeping the originals in its power for future exhibition, if requested.

Art. 22. The agreement obtained in the pre-procedural claims shall be approved by the conciliator judge, whose sentence will be registered in the e-CVD system (Virtual Cataloger of Documents) with the validity of a judicial enforcement order and shall be certified as unappealable.

§ 1 If there is a need for the issuance of an authorization or payment request, if the Judicial Center for Conflict Resolution and Citizenship of the Judiciary Section of Piauí does not have the structure for such actions, it shall refer the pre-procedural complaint to the distribution sector, in order to be freely assigned to one of the authorized courts, in accordance with the terms of PRESI Resolution no. 31 dated 11/07/2015 of the Federal Regional Court of the 1st Region.

§2 - In pre-procedural claims handled physically, once proceedings by the conciliation unit are concluded (issuance of an authorization or payment request), the Judicial Center for Conflict Resolution and Citizenship of the Judiciary Section of Piauí shall deliver the proceedings files to the plaintiff party, with the necessary record in the procedural system.

§ 3 - If the physical pre-procedural records are not withdrawn within 30 (thirty) days, counted from the last procedural act, they will be discarded.

§4. If the agreement is not fulfilled, the interested party may request the execution of the judicial order, to be freely assigned to one of the federal courts or one of the authorized special courts, according to the law, in accordance with the terms of PRESI Resolution no. 31, dated 11/07/2015, of the Federal Regional Court of the 1st Region.

Art. 23. If conciliation was not reached in a hearing proceeding session, the physical pre-procedural complaint will be returned to the interested party, preferably in the same act, upon the recording of the minutes of the hearing session and the entry in the system of the appropriate procedural acts by the conciliation unit.

§1 A copy of the minutes of the hearing session shall remain in the records and another shall be digitalized and registered in the system e-CVD (Virtual Cataloger of Documents).

§2. If the physical pre-procedural records are not withdrawn within 30 (thirty) days, counted from the last procedural act, they will be discarded.

Art. 24. If the virtual pre-procedural claims agreement is obtaining or not, the records, upon termination, will be filed in a computer system's separate file.

Art. 25. In the event of the plaintiff's unjustified nonappearance to the hearing session, the claim shall be extinguished.

Art. 26. The adoption of the pre-procedural conciliation system shall not bar future attempt to conciliate in a proceeding that may eventually be filed based on the same facts.

Art. 27. It is applicable to the pre-procedural complaint, in the Public Policy Conciliation Circle, the procedure established in Chapter II of this regulation, in what is not incompatible.

CHAPTER IV

CONVERSION MECHANISM FOR COLLECTIVE RESOLUTION - CMCR

Art. 28. Any court of this Judicial Section of Piauí, including Subsections, may cause the commencement of a CMCR proceeding when in the corresponding court are several repetitive individual demands caused by insufficiency or lack of public policy.

Art. 29. Once installed the CMCR proceeding, the Public Policy Conciliation Circle shall promote the conciliation between the competent public bodies to adopt the appropriate measures to remedy the deficiency.

Sole paragraph. The adopted procedural rite will be the pre-procedural conciliation, in the absence of a collective judicial proceeding.

Art. 30. The authorized judge for the individual judicial proceedings will call the Public Policy Conciliation Circle to action through an official letter, which should state the problem to be resolved involving public policy, as well as the list of individual proceedings that motivated the appointment. The document shall be produced with a copy of the initial complaint of the individual judicial proceedings, as well as other documents that the sender shall consider appropriate.

Art. 31. After receiving the above mentioned official letter and the documents, the authorized judge in charge of the Public Policy Conciliation Circle, after the admissibility ruling, will order the documentation in the distribution sector, as a pre-procedural complaint.

Sole paragraph. For the sole purposes of judicial notice, it will set as the complaint party the author of the first proceeding of those who appointed the call to action.

Art. 32. The repetitive individual judicial proceedings, during the procedure of the CMCR, shall remain on the court of origin and may be suspended if they do not have pending urgent measures for appreciation and if understood being possible by the authorized judge.

Art. 33. For the conciliation hearings at the CMCR, public agencies as plaintiffs must be notified, as well as the federal prosecutors office, as protector of the law.

Sole paragraph. If the claimed right relates specifically to economically hypo sufficiency, the Public Defender's Office of the Union shall be summoned.

Art. 34. Initiated the CMCR, the Public Policy Conciliation Circle shall communicate to the other judges of the Judicial Section of Piauí, including Subsections of its establishment, and its outcome.

Art. 35. Chapter III of this regulation shall apply to the CMCR, as appropriate.