

## Apresentação

Peter S. Adler was precise in defining ADR in his 1987 paper as it follows “In its narrowest sense, ADR can be defined and explained as an evolving toolbox of techniques that are used toward other ends, most often but not always, dispute settlement”.<sup>1</sup> Further on the author categorizes ADR as a social movement because it draws its vitality from the forces it challenges. The focus of the ADR criticism that Adler was referring to was essentially the legal profession and the courts, more so, how lawyers and judges handle disputes. This paper, even after so many years, is still up to date.

In Brazil, according to the 2018 National Council of Justice Report entitled *Justice in Numbers*, the country reached 80,1 million lawsuits (29,1 million new procedures only in 2017).<sup>2</sup> The same report states that the lawsuit average duration is more than five years long.

Therefore, acknowledging this reality, the Brazilian Center of Arbitration and Mediation (CBMA) has been a cradle for the ADR culture nationwide. The Center was founded in 2002 by three important entities of the Brazilian society namely: ACRJ - Commercial Association of Rio de Janeiro, FENASEG - National Federation of Private Insurance and Capitalization Companies and FIRJAN - Federation of Industries of the State of Rio de Janeiro.

The current Center’s President, Mr. Gustavo Schmidt is, since his first appointment term, nurturing a set of high-level ADR events such as the International Arbitration Conference (occurs every year in August) and the International Mediation Conference (occurs every year in November) in a way to demonstrate that ADR is the present’s best solution to many cases and the parties most logical choice in the near future.

To this extent, the pinnacle of Mr. Schmidt’s achievements to spread the ADR culture in Brazil was the creation of this Journal, namely the Brazilian Journal of Alternative Dispute Resolution – RBADR that aims to publish the most current discussions in the ADR practice and in the ADR academic field. In order to do

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<sup>1</sup> ADLER, Peter S. Is ADR a social movement?. *Negotiation Journal*, v. 3, n. 1, 1987. p. 59.

<sup>2</sup> CNJ. *Justiça em Números 2018*. Brasília: Conselho Nacional de Justiça, 2018. p. 197. Available at: <http://www.cnj.jus.br/files/conteudo/arquivo/2018/08/44b7368ec6f888b383f6c3de40c32167.pdf>.

so Dr. Daniel Brantes Ferreira, CBMA's Vice-President for Academic Affairs, was selected to put together a highly-qualified national and international editorial board and to serve as the chief-editor of the present publication.

**Gustavo da Rocha Schmidt**  
CBMA's President

**Daniel Brantes Ferreira**  
Chief-Editor

## Editorial

É com enorme satisfação que chegamos ao segundo ano do periódico e que apresentamos o terceiro número da *Revista Brasileira de Alternative Dispute Resolution – RBADR*.

O número conta com 10 artigos nacionais e internacionais de alta qualidade dos mais variados temas e áreas dentro do universo das soluções alternativas de disputas. Temos como países representados a Argentina, a Indonésia e a Palestina. São cinco artigos redigidos em português, quatro em inglês e um em espanhol.

Agradecemos a todos que têm demonstrado interesse na leitura e em publicar em nosso periódico, bem como a todos os membros de nosso Conselho Editorial e do Centro Brasileiro de Mediação e Arbitragem (CBMA).

No momento em que vivemos, estimular a solução extrajudicial de conflitos e fomentar a pesquisa de qualidade na temática torna-se essencial para a pacificação social e para ampliar o acesso à justiça célere e eficiente como alternativa ao Judiciário.

Com um abraço em todos,

Gustavo da Rocha Schmidt  
**Presidente do CBMA**

Daniel Brantes Ferreira  
**Editor-chefe**