

METHODOLOGICAL NOTE

The goal of the **Landmark Cases** project is to select judgments of great importance decided by the Full Court of the Federal Supreme Court (STF) under the 1988 Federal Constitution, to disseminate its body of case law nationally and internationally. The methodology for selecting the cases is divided into five distinct and consecutive stages, as described below.

STAGE 1 – Construction of a database of landmark judgments based on an empirical approach

The first stage consists of building the [Landmark Cases Database \(LCD\)](#) according to the following methodological criteria:

- a) **Composition of a database** based on the mapping of cases with one or more decisions handed down by the STF Full Court (mandatory institutional design criterion), in the period from October 5, 1988 to December 31, 2024 (mandatory time criterion).
- b) **Identification of criteria for determining relevance (landmark status)** in the processes of the database, allowing the selection of landmark cases.¹

Table 1 – Selection Criteria	
Internal Criteria ²⁻³	External Criteria ⁴
Mention of the case in institutional products for international dissemination	Existence of a public hearing called in the case ⁵
Mention of the case in thematic institutional products ⁶ available on the STF's official website	Participation of one or more amicus curiae in the proceedings ⁷

Source: COPJ/SAE/STF.

By applying these criteria, **2,677 cases** were selected and included in the **LCD**.

¹ These criteria are not cumulative.

² Institutional production was taken into account, i.e. the relevance attributed to certain themes by internal factors was recovered. The internal criteria were subdivided by their scope, international and national, as shown in Table 1.

³ The institutional products considered at this stage are in the [Appendix](#).

⁴ The external criteria for determining relevance are a result of the STF's interaction with other actors and have two characteristics: deliberative salience and the presence of social interest, as shown in Table 1.

⁵ All cases subject of public hearings were identified using information from the STF's website. Retrieved on February 4, 2025 from: <https://portal.stf.jus.br/audienciaPublica/audienciaPublica.asp?tipo=realizada>.

⁶ Although some of the products created by the STF are databases intended for public consultation or for disseminating information about its judicial activity, we considered as thematic products those that disseminate outstanding case law on various legal topics. The creation of these products is motivated by subjective and contingent reasons of different administrations of the Court, which wish to bring to the public a specific compilation of judgments, thereby giving it prominence over the others.

⁷ We identified all the cases in which at least one *amicus curiae* was granted admittance, according to data from the databases produced by the Supreme Court's Jurisdiction Support Office (AAJ/STF) up to December 31, 2024.

STAGE 2 – Improving the LCD: weighting and refinement criteria

The mandatory time criterion was subdivided into three phases, set according to the characteristics of the STF's activity during each period: 1988 to 1999 (Phase 1); 2000 to 2014 (Phase 2); and 2015 to 2024 (Phase 3). This chronological division is based on specialized literature on the subject that highlights the growing interest of increasingly diverse actors in public debates; the significant increase in cases and the depth of the issues filed with the Court; and the complexification of interactions between the Judiciary, other government branches, society, and the media. This distribution into phases is justified by the fact that the relevance metric will only apply to the set of cases within the same phase due to the specificities of each time frame.

Regarding to the scope of each phase, we reapply the institutional products of national and foreign dissemination, the presence of *amicus curiae*, and the holding of a public hearing in a weighting stage (when available), with assigned weights. To determine landmark cases, we also considered the following factors: the number of *amici curiae*; whether a public hearing was held; and how often a case was mentioned in each of the institutional products listed in the Appendix, in addition to the number of mentions found in the Yearbooks of Justice⁸ (Brazil).

Therefore, we measured relevance by combining theoretical and empirical analyses of the STF's activity, and considering the institution's self-perception at different times. The latter perspective was obtained by analyzing the Court's publications, which included compilations of significant cases, relevant decisions, among others. Based on these guidelines, we established the following weighting criteria for designing the **Most Landmarked Cases Database (LCD+)**:

- 1. recurrence in thematic institutional products (national and international):** focusing on an institutional perspective, we mapped all cases mentioned one or more times in thematic or international dissemination materials created by the STF. Then, we assigned weights in proportion to the frequency of mention per phase, with **weight 1** in Phase 1; **weight 1** in Phase 2; and **weight 2** in Phase 3.
- 2. presence of *amici curiae*:** it reflects the increased participation of parties who are not directly involved in the proceedings.⁹ The following weights were assigned from Phase 2 onwards:¹⁰

⁸ A dissemination material of Brazilian case law, produced by the Consultor Jurídico (ConJur) platform, which provides an external perspective on the most significant cases for the specialized public. Retrieved from: <https://anuariodajustica.com.br/>.

⁹ An initiative of interest groups that have expertise in the matter or consider themselves directly affected by the decision. These groups seek to contribute to the outcome of the dispute.

¹⁰ This criterion was not adopted for cases in Phase 1 because there were no requests for *amicus curiae* until the 2000s due to institute's lack of regulation at the time (Ferreira & Branco, 2017).

weight 1 in Phase 2, proportional to the number of *amici curiae* whose admission was granted in each case; and **weight 2** in Phase 3.

3. **holding of a public hearing:** given the importance of public hearings in broadening social participation in certain judgments,¹¹ the following weights were assigned: **weight 1** to cases with this criterion in Phase 2; and **weight 2** to cases with this criterion in Phase 3.
4. **mention in materials on legal websites:** when considering Phase 3, which involves more dialogue between the STF and the media (including specialized media), **weight 1** was assigned to cases included in the Justice Yearbooks.

The implementation of proportional weights in each phase aims to ensure the historical coherence of the set comprising the **LCD+**. The purpose of this approach is to provide a more balanced assessment within each context while accounting for the increasing number of cases adjudicated by the STF over time. It also ensures a more equitable distribution of case relevance across the three phases.¹²

After completing the weighting stage, we applied two refinement criteria: a) **thematic exclusion** of cases that generally address criminal and/or tax matters¹³ because they did not correspond to the project's institutional objective of comparative international dialogue; and b) **combination due the “relationship”** of cases decided jointly (in the same session) or joined cases, thus avoiding thematic redundancy in the **LCD+**.

STAGE 3 – Established amount of landmark case samples for each phase

When we refer to the *most* landmarked cases (**LCD+**) judged by the Federal Supreme Court since the 1988 Constitution came into force, we must consider a group (of 50 cases, 100 cases or any other quantity) made up of a certain number of decisions distributed within each time frame (phases). The purely numerical proportion of cases¹⁴ in each phase was disregarded, given the distortion caused by the significant volume of cases in Phase 3.¹⁵ Furthermore, the Federal Supreme Court's activity and

¹¹ The STF holds public hearings to gather more information and make better decisions.

¹² The aim is to eliminate the present bias, which could lead to the perception that recent cases are more relevant, due to a personal perception of innovation. It is necessary to reevaluate the meaning of the past based on the idea that it is not set in stone and should be questioned. For more information, see the theoretical contribution of the History of the Present Time (Delgado & Ferreira, 2013).

¹³ See detailed parameters in Stage 4 – Conceptualizing thematic categories.

¹⁴ A figure based only on numerical proportion considers the total number of **LCD** samples and the number of cases in each Phase. If this were the case, the distribution of decisions for a **LCD+** of 50 cases would look like this: 5 for Phase 1; 15 for Phase 2; and 30 for Phase 3.

¹⁵ In the makeup of the **LCD**, Phase 3 cases account for 63.05% of the total number of cases.

its interaction with other actors throughout the different phases showed that a purely proportional division would not be ideal.

We therefore decided to redistribute the cases, resulting initially in a database of 50 cases, with 5 for Phase 1; 25 for Phase 2; and 20 for Phase 3¹⁶. The project will be expanded to 100 cases in the near future, maintaining these proportions.

STAGE 4 – Conceptualizing thematic categories¹⁷

The thematic categories adopted in this research are intended to highlight the most significant current issues and foster a qualified dialog at the international level, which is the initial scope of the project. To this end, some categories were subdivided to allow for a more in-depth treatment of issues of relevant impact, giving rise to classifications of their own. In cases where two or more categories intersected, the cases were allocated to the one that gave greater prominence to the right under discussion, as will be shown in the following concepts.

- 1. Fundamental Rights:** cases involving rights belonging to the first, second and third dimensions of fundamental rights. First-generation rights include **individual rights**, such as the protection of individuals against governmental abuses; the rights to life, liberty, and formal equality; and nationality rights. The second generation of rights encompasses **social rights**, including freedoms relating to work, as well as the right to state-provided services in areas such as education, health, food, leisure, security, and social security. Third-generation rights are **diffuse and collective rights** related to consumer protection and issues involving human life and dignity, especially when they affect the general public or vulnerable groups. It should be noted that other rights that are widely recognized as fundamental rights have been dealt with in autonomous categories in this study, namely: democracy and Rule of Law, the environment, and new technologies. This happened due to the specificity and complexity that these topics assume in the contemporary legal landscape.
- 2. Rule of Law and democracy:** cases concerning the rule of law are those that deal with:
 - a) the division, organization, and function of the three branches of government; b) the legal

¹⁶ To guarantee the consistency and replicability of the research, this fixed proportion was adopted for each phase, regardless of the total number of cases selected. It was decided that the first phase, as it represents a smaller portion of the LCD, would correspond to 10% of the number of cases. Based on this initial criterion, the other phases were analyzed, taking up the History of the Present Time approach, and the need to move away from time to consider relevance, a qualitative analysis was carried out, considering the specialized literature on the Court's behavior and historical records to define their respective proportions, establishing that Phase 2 corresponds to 50% and Phase 3, 40%.

¹⁷ It is important to note that this thematic classification can be modified, considering different research contexts.

organization of the state and its institutions and c) civil servants. Cases relating to democracy are those that address: a) popular sovereignty; b) the rights to political participation, elections, and democratic mandates; c) attacks on institutions essential to the functioning and preservation of democracy in Brazil; and d) military dictatorship and authoritarianism.

3. **Environment:** cases involving rights relating to environmental protection and climate change. This category covers issues on the ecosystem, such as biotic (fauna and flora) and abiotic factors, defined together as nature, and anthropic principle, i.e. the modifications caused by human beings in the physical environment.
4. **New Technologies:** cases addressing the impacts of technology on law in the social, economic, communicational, and political contexts. It includes questions about legal, regulatory, and ethical issues arising from the implementation of technologies at particular times and related to social media, artificial intelligence, neurotechnology, data management, and information technology.
5. **Tax Law:** cases that fall under the rules and principles that regulate financial activity, connected to institutions and the collection of taxes, fees, special assessment taxes, compulsory loans, and social security contributions.
6. **Criminal Law and Criminal Procedure:** cases that fall within the scope of the rules and principles that regulate criminal behavior, criminal sanctions, the relevant judicial procedures, and the exercise of the State's punitive power. These cases deal with: a) criminal offenses and their corresponding sanctions; and b) the system of understanding (or interpreting) criminal legislation and criminal procedure. Given the relevance and range of this topic, decisions which deal with human life and dignity and that have effects on the general public or vulnerable groups were included in the Fundamental Rights category, regardless of overlaps with Criminal Law and Criminal Procedure.

STAGE 5 – Application of institutional analysis in LCD+ and publication of cases

As a result of the previous stages, we obtained the **LCD**—a database of 2,677 cases identified as relevant, which can be used for further analysis and research—and its derivation, the **LCD+ (50 most landmarked cases, to be expanded to 100 cases in the future)**. The selection that makes up the LCD+ consolidates the analysis of the Federal Supreme Court's current administration, based on parameters of the previous Stages.

The final list, published by the administration of Chief Justice Luís Roberto Barroso, contains all the selected cases, accompanied by their respective summaries and analyses (in Portuguese, English and Spanish), and can be consulted on the project's official website.

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