

INTERVIEW WITH PROFESSOR KIM ECONOMIDES, “professor emeritus” Flinders University and “honorary professor of Law” at the University of Southern Queensland, Australia

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Professor Kim Economides

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Interview conducted by email in February 2024.

Since the mid-1990s, a fruitful rapprochement and increasingly intense interchange began between Professor Kim Economides and some Brazilian academics and researchers working in law and the social sciences. Some of these exchanges are important in the Brazilian context and the *Universidade Federal Fluminense* (UFF) in particular. This journey, up until the present, could be summarised as follows: (1) his entry into the Brazilian academic field; (2) approach and dialogue with PPGSD/UFF researchers and (3) consolidation of the partnership with PPGSD/UFF, in the post-pandemic period.

The first of these three phases, an introduction to Brazilian academic developments (1), began with the participation of Professor Kim Economides in the International Justice and Citizenship Seminar, held on September 10 and 11, 1997, in Rio de Janeiro, organized by Dr Mario Grynszpan, who was a professor in the Department of History at UFF, and also at Fundação Getúlio Vargas, whose Center for Research and Documentation of Contemporary History of Brazil (CPDOC) hosted the event in partnership with the Institute of Religious Studies (ISER), which resulted in the publication of his well-known article, widely cited in research in the field of law and social sciences in Brazil (ECONOMIDES, 1999).

The second phase (2) corresponds with the start of a more intense dialogue and collaboration with PPGSD researchers, which took place from 2009 onwards. That year, the first meeting took place between Prof. Cleber Alves and Prof. Kim Economides, when both were participating in the ILAG – International Legal Aid Group Biennial Conference, which took place in the city of Wellington, shortly before Prof. Kim Economides emigrated to New Zealand. They met once again when participating in the International Conference on “Access to Justice and Legal Services”, held at University College, London, in 2014. In 2017, during his second visit to Brazil, Professor Kim Economides participated in an event “Access to justice in remote communities: experiences from the Brazilian and Australian countryside”, on June 1, 2017, at the UFF Law School (see below the image of the event folder) organized by Professors Joaquim Leonel de Rezende Alvim and Cristiana Vianna Veras under the auspices of PPGSD/UFF and the Law School⁴. This interaction had as an institutional outcome the stay of

⁴ There is a non-professional recording of this event held on June 1, 2017, which is available for access on YouTube through the following link: <https://www.youtube.com/watch?v=8VE7ciOM1P0&t=30s>.

the of the aforementioned professors at Flinders University (Adelaide/Australia) in 2018 and 2019 as a visiting professor (the first) and post-doctoral fellow (the second).

Kim Economides
Flinders University - Austrália

Ronaldo Lobão
PPGSD - UFF

Thaís Lutterback
PPGSD - UFF

1 DE JUNHO
QUINTA-FEIRA
9:00 ÀS 12:00

LOCAL:
Auditório 1
Faculdade de
Direito

Universidade
Federal
Fluminense
(UFF)

Rua Presidente
Pedreira 62
Ingá - Niterói

ACesso À JUSTIÇA
EM COMUNIDADES
REMOTAS:
EXPERIÊNCIAS DOS CAMPOS
AUSTRALIANO E BRASILEIRO

OBJETIVOS:
Refletir, a partir de uma perspectiva interdisciplinar da antropologia, direito e sociologia, sobre o tema do acesso à justiça relacionado às populações que viveram injustiças históricas derivadas do processo de colonização, como aconteceu com os povos indígenas brasileiros e os aborígenes australianos.

Organizadores: Joaquim Leonel Alvim (PPGSD/UFF) e Cristiana Veras (DDA/UFF).

O evento contará com tradução simultânea.

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Image of the Promotional Folder of the Seminar held in 2017.

We then arrive at the third phase (3), in which this interaction becomes even closer. In mid-2018, within the scope of the Research Group “Access to Justice and Public Defender”⁵, led by Prof. Cleber Alves, on the initiative of then doctoral student Diogo Esteves, they began to consider a research project with a global reach, inspired by the methodology of the Florence Project led by Mauro Cappelletti in the 70s of the last century. Cleber and Diogo traveled to California in August 2018 to meet with professors Earl Johnson Jr and Bryant Garth (protagonists of the Florence Project, together with Cappelletti) in order to discuss their ideas. The proposal received excellent reception and support, and Prof. Garth suggested that Prof.

⁵ Available at <https://dgp.cnpq.br/dgp/espelhogruppo/9700165522694093>.

Kim Economides should join the group. Given the existing dialogue, Cleber and Diogo maintained contact with Prof. Kim who accepted the invitation to participate in the Global Access to Justice Project⁶ as regional coordinator for countries in the Oceania region and also as thematic coordinator responsible for preparing a future report regarding the “fourth wave” of access to justice, conceived by him, on the issue of legal education and the importance of ethical motivation that moves lawyers to act in favor of access to justice. A new visit by Prof. Kim to Brazil was being scheduled for a series of academic exchange activities within the scope of the Research Group led by Prof. Cleber Alves, but soon after, in 2020, the COVID-19 pandemic broke out, making such a visit impossible at that time. Even so, during this period of the pandemic, interactions with Professor Economides continued. He collaborated in carrying out research, conducted within the scope of the Global Access to Justice Project, on the “Impacts of COVID on Justice Systems”⁷. He also accepted the invitation to prepare the Preface for a book “Public Defense and Covid-19: in the intra- and post-pandemic scenario”⁸, published in 2021, of which Prof. Cleber Alves was one of the organizers (along with Alberto Carvalho Amaral and Maurílio Casas Maia). Still during the pandemic period, in 2020, Kim also gave a keynote address, together with Prof. Marc Galanter, to a webinar examining Itinerant justice organised by EMERJ that was later published in *Direito em Movimento* (EMERJ Law Journal).

Finally, in April 2023, once the Covid-19 pandemic had been already overcome, it became possible to implement the project of carrying out an academic exchange visit designed to further strengthen Prof. Kim Economides ties with PPGSD-UFF. Among the activities carried out, the participation of Prof. Kim Economides, as an external foreign member, on the PhD oral examination (Viva) of Diogo Esteves' Doctoral Thesis, in which Prof. Joaquim Leonel de Rezende Alvim also took part as internal member. Furthermore, in the context of the Interinstitutional Doctorate that is being carried out by PPGSD in agreement with UERR – State University of Roraima, Prof. Kim Economides, together with Professors Cleber Alves and Wilson Madeira, travelled to the city of Boa Vista, in Roraima, to participate in a series of

⁶ More detailed information about this Project can be found on the website accessible via the following link: <https://globalaccesstojustice.com/>.

⁷ The final research report is available for download on the project website, through the following link: <https://globalaccesstojustice.com/impacts-of-covid-19/>.

⁸ Among the chapters of this book, which was published by *Editora D'Plácido*, from Belo Horizonte, a work was included, recommended by Prof. Kim Economides, prepared by doctoral student Maria Ángeles Álvarez López, of whose doctoral research at the University of Oviedo, Spain, he was one of the advisors.

activities aimed at studying and observing concrete initiatives for access to rights and justice implemented in that state. The program put through within the scope of this Amazonian exchange project included two technical visits: one to the Waimiri-Atroari Indigenous Reserve and another to the Operação Acolhida Triage Station, in Boa Vista, aimed at the internalization of Venezuelans who enter Brazil crossing the border in the State of Roraima, as refugees. An International Seminar was also held on the topic of Access to Justice, in which Prof. Kim Economides was the keynote speaker. Consolidating institutional ties, since 2023 Prof. Kim Economides joined, as a foreign collaborator, the Research Group “Access to Justice and Public Defender” (<https://dgp.cnpq.br/dgp/espelhogrupo/9700165522694093>), led by Prof. Cleber Alves, already mentioned above.

Precisely because of this long history of rapprochement and dialogue between PPGSD-UFF researchers and Professor Kim Economides, and considering his importance in the contemporary international scenario as a researcher and recognized academic dedicated to investigating themes and issues that are also the subject of the lines of our program, the idea of carrying out this interview arose. We would like to express our deepest gratitude to Professor Emeritus Kim Economides for accepting the invitation and for the valuable and thoughtful interview he gave us.

Cleber Francisco Alves; Joaquim Leonel Alvim: We wish to thank you for this interview and propose starting by introducing our ‘interviewee’ so that our audience may better understand you as a person. It seems to us your personal life story reflects and tunes in well with the new reality of globalization. We all increasingly live in a ‘global village’, as ‘citizens of the world’, which has created new opportunities for personal identities that transcend limitations of the ethnic, cultural, and geographic boundaries of our countries of origin. So, we’d like you to tell us something of your cultural origins and attachments, about how your personal journey appears (at least to us!) to be defined by diverse cross-cultural and international contexts with a global reach embracing the UK, Europe, Oceania and more. How and to what extent has your personal background and history influenced your professional research agendas?

Kim Economides: Thank you for this opportunity to reflect on my career. I was born near London to an immigrant Greek Cypriot father (a communist who fought against Franco in the International Brigades) and a white English middle-class mother and always had to balance contrasting, if not conflicting, ideologies and cultural norms. Having a Greek surname, I never felt at ease within English society with its class-based system that made professions like Law the preserve of privileged middle classes which tended to exclude minorities. Perhaps it's different today. Britain joined Europe around the time I graduated in Law and in 1975 I decided (against my father's wishes) to delay qualifying as a lawyer and instead studied European and Comparative Law, together with Human Rights and Jurisprudence, for an LL.M at King's College London. This set me on an academic, rather than vocational, career path and, fortuitously, I became one of the first researchers at the European University Institute (EUI) in Florence, where I learnt Italian, improved my French, and quickly identified as European.

While my research examines lawyers' behavior, I never actually qualified as one anywhere. By the time I emigrated to New Zealand in 2009, about which we can speak more later, I felt that even being 'European' was somewhat limiting and considered myself a global citizen without any strong national allegiance. In 2019 I became an Australian citizen, partly as a reaction to Brexit and because I connected with more egalitarian values prevalent in Australia and New Zealand (where I had acquired permanent resident status). Both countries exposed me to the effects of colonialism and direct encounters with Indigenous and 'ex-pat' migrant cultures. But then three years ago, I became Cypriot and therefore, post-Brexit, a re-born European citizen. I now have an application pending for Spanish citizenship (as a descendant of a brigadista who fought for Spanish democracy during the Spanish Civil War) which should deepen my links with Spain, Europe, and democratic values.

I turn 70 this year and, looking back, it is evident my interdisciplinary research agendas and comparative methods have not only drawn upon, but are a product of, my family history⁹. To this day I still struggle reconciling the many contradictions of simultaneously being both an insider and an outsider, yet never really belonging anywhere. If holding multiple citizenships denies me a strong, stable, and permanent connection with any single country, perhaps one

⁹ For further discussion of 'positionality' see: Mark Fathi Massoud (2022).

advantage, as a researcher, is that I find it easy - almost natural – to freely observe and interpret the diverse national and professional cultures within which I have lived and worked.

Cleber Francisco Alves; Joaquim Leonel Alvim: During the late 1970s you worked under Mauro Cappelletti with others on the Florence Access to Justice project based at the European University Institute (EUI). You then returned to England and throughout the 1980s worked with geographers on rural access to justice at Exeter University. Then, in the 1990s, you temporarily left academia and went on secondment as a public servant to London where you were responsible for a national review of legal education and advising on legal services policy. You then returned to Exeter where you dedicated yourself to teaching and research in the field of legal ethics, up until you emigrated, first to New Zealand in 2009, where you directed a new centre dedicated to access to justice, and then, finally, to Australia in 2012, where you became dean of a law school. Could you explain what was driving each of these key phases in your career trajectory?

Kim Economides: I was fortunate to work on Cappelletti's team which widened my horizons far beyond narrow legal studies focused on legal practice. Apart from researching Access to Justice (A2J) and Human Rights, I also followed seminars in political science at the EUI which laid foundations for future interdisciplinary work. Moreover, living through political turbulence in Italy during the late 1970s nurtured a different kind of education, along with the cultural experience of spending three years in Florence that exposed me to the glories of the Renaissance, and at a formative stage of my development.

I returned to the UK, aged 25, months after Margaret Thatcher began her 11-year term as a radical Conservative prime minister, and the contrast with radical Italian politics was huge. Throughout the 1980s I immersed myself in my first job as a junior lecturer at Exeter university, concentrating on my teaching and interdisciplinary research on rural justice with human geographers.¹⁰ As you mention, in 1993 I went on secondment to London where I worked for the Lord Chancellor's Advisory Committee on Legal Education & Conduct (ACLEC) managing a national review of legal education and writing policy papers that concerned widening the market for legal services under the Courts and Legal Services Act 1990¹¹. This

¹⁰ See: Kim Economides and Charles Watkins (2023).

¹¹ See: Lord of Govilon M. C. Griffith (2010).

marked another turning point and I changed direction by focusing on legal ethics and what motivates lawyers to deliver justice, or be just, and what later was known as the “fourth wave” of the A2J movement¹².

I returned to more traditional access to justice issues (court delay and costs) after 2009 when I launched a new socio-legal research centre in New Zealand dedicated to making civil justice in New Zealand more accessible for ordinary citizens¹³. Each of these turning points, which all involved some risk, happened because of a desire to experience something new and build on my evolving ideas and skills. Curiosity and personal improvement were part of what drove me to explore the unknown, both intellectually and geographically, but also – somehow – I wanted to make a positive difference in society. As dean of law at Flinders, I sought to ‘make a difference’ not only as an individual, but also by leading a team of colleagues dedicated to encouraging law students to use law as an instrument to promote justice in society. For good or ill, I was, and remain, something of an idealist.

Cleber Francisco Alves; Joaquim Leonel Alvim: Evidently, your academic career has taken many turns but here in Brazil your name is inexorably associated with the theme of access to justice. Your book chapter, based on a lecture given to the Getulio Vargas Foundation in Rio de Janeiro in the 90s, in which you carry forward the metaphor of the three ‘Cappellettisque’ waves of access to justice by proposing an original ‘fourth wave’, has been highly influential throughout Brazil. Perhaps you could tell us more, both about your participation in the Florence project and your ‘fourth wave’?

Kim Economides: My book chapter “Lendo as ondas” (ECONOMIDES, 1999) has, as you say, had considerable impact in Brazil, which I confess took me by surprise. Cappelletti was enormously influential – both as a teacher and researcher – and I have spoken at length about this elsewhere¹⁴, but he never examined what motivated lawyers to do justice and, especially after I left Florence, increasingly I saw this as a serious omission. My involvement with the Florence A2J project was relatively minor and involved editing national reports and working,

¹² See: Kim Economides (1998; 1999).

¹³ See: Kim Economides, Alfred Haug and Joe McIntyre (2015) and Kim Economides and Graham Taylor (2010).

¹⁴ I spoke about Mauro Cappelletti at a conference examining his heritage in Florence in 2014, available at: <https://www.youtube.com/live/e7XEGCvI674?si=1vA3FKrIICTY9oWM> (from 4.41.42 – 4.51.52); and published my thoughts on his contribution in Kim Economides (2016).

mainly as a proof-reader at Cappelletti's Comparative Law Institute based in Via Laura and participating in seminars at the EUI. My time in Florence working with Cappelletti taught me the importance of working in teams but also the value of nurturing global networks. But above all, Cappelletti was a master of the comparative method that he applied to promote law reform. Cappelletti would have felt immense pride in your Global Access to Justice Project and the fact you have chosen to dedicate this project to him¹⁵.

Cleber Francisco Alves; Joaquim Leonel Alvim: That tells us about your time in Florence but what about your famous 'fourth wave'? Here you argued for a major shift in scholarly attention away from recipients towards the providers of legal services, with a strong focus on the education and training of future legal professionals from their initial academic stage onwards. You placed a strong emphasis on the need for law students' ethical awareness and reflection but combined this with developing critical and anthropological insights on the wider legal system. Conflict should not simply be seen as an evil to be banished, but rather as an opportunity to improve collective harmony through appreciating the underlying causes, even some benefits, of social and legal conflict. Looking back over the past three decades, what would you say today has been the enduring contribution of this 'fourth wave' that has made you one of the most cited foreign authors working in the field of access to justice in Brazil?

Kim Economides: Cappelletti's focus was primarily on the objective, external barriers preventing people going to law which included psychological and economic barriers, what I call the 'demand side' of the A2J equation. He was not so concerned with lawyers' internal ethics and was in fact highly critical both of abstract theory and legal systems dependent on the charity of lawyers. For me, facilitating citizens' access to court (or before third-party alternatives) is always very important, but if lawyers, judges, or other adjudicators are detached from justice, and have little motivation to deliver it, then one has, in my view, achieved relatively little. I therefore aimed to fill this gap and focus more on the 'supply side' of A2J, by launching in 1998 a new academic journal, *Legal Ethics*.¹⁶ My time in London had exposed me to conduct issues confronting legal professions (such as exclusive rights of audience) and the fact that very few legal scholars outside the USA had published on ethical issues, and hardly

¹⁵ Global Access to Justice Project. Available at: <https://globalaccesstojustice.com>.

¹⁶ *Legal Ethics*. Available at: <https://www.tandfonline.com/journals/rlet20>.

any from a critical perspective. So, when I returned to Exeter, I set about building academic resources and argued, given the prevailing apathy of most law schools towards ethics, that legal professions in the UK and elsewhere should require ethical training in the legal academy as mandatory.¹⁷ One reason I decided to concentrate on the ethical education of lawyers was that, given most law schools competently teach lawyers how to handle rules, I was skeptical about the success of regulating lawyers' behavior exclusively through formal codes. The idea of introducing a 'fourth wave' seemed a promising way to carry forward and build upon Cappelletti's insights.

Looking back over the past 30 years I am satisfied that real progress has been made in establishing legal ethics as a focal point for scholarly investigation. Other developments I feel proud to be a part of, apart from launching the journal *Legal Ethics*, was establishing the International Legal Ethics Conference (ILEC) series twenty years ago in Exeter (which also led to smaller regional meetings in Australia and New Zealand) and inaugurating, together with Deborah Rhode, the International Association of Legal Ethics (IAOLE) at Stanford in 2010¹⁸. While significant progress has been made regarding institutional and scholarly development, so far this seems to be confined mainly to common law jurisdictions. Much more needs to be done to support ethical education and training globally, including throughout Latin America, and my hope is that the IAOLE will actively support local initiatives in this region. Ideally a future ILEC should be hosted in Brazil, or a neighboring country, bringing benefits to visitors as much as local hosts. And it could send a powerful message if one day a future IAOLE president were elected from the Global South.

Cleber Francisco Alves; Joaquim Leonel Alvim: Looking forward, how do you see the field of legal ethics evolving in future? What are the priority areas and new directions that researchers should concentrate on?

Kim Economides: I have just noted some geographical areas that are priorities and hope that, with support from the IAOLE, legal ethics scholarship will blossom outside the common law world. In terms of priority areas for future substantive study, today almost everyone seems

¹⁷ See: Kim Economides and Justine Rodgers (2009) and Kim Economides and Christine Parker (2011). See also observations on the situation in Brazil: Kim Economides and Joaquim Leonel Alvim (2019).

¹⁸ International Association of Legal Ethics. Available at: <https://iaole.org>.

fixated on Artificial Intelligence (AI)¹⁹. AI tends to be seen either as a panacea for, or the death of, professionalism. Since AI supposedly impacts not only legal work but also the very existence of professions, many law schools believe they can best prepare their students for future practice by teaching ‘disruptive’ legal technologies as a core subject while encouraging them to find ‘legal tech’ solutions, for example by designing legal apps for consumers. I disagree and, rather than allow superficial ‘techno’ topics to dilute and limit choice within the mainstream curriculum, lawyers can safely leave technology to specialist sub-contractors. For me, AI is a relatively low priority for both teaching and research in law schools and, apart from its irritating jargon and facile cliché-ridden platitudes (instead of being ‘disruptive’ it can also be stabilizing), AI devotees unintentionally can inhibit students’ deeper grasp of legal concepts and values on which both present and future lawyers depend.

Paradoxically, rather than invest in ‘legal tech’ to ‘future-proof’ lawyers, the priority for future researchers should be to look inwards, backwards, and sideways and apply lessons obtained from exploring legal theory, history, and comparative law. AI arguably holds more relevance for empowering and educating ordinary citizens rather than future lawyers. We urgently need imagination to develop legal and ethical resources derived not just from an understanding of ancient western thought, including Greek philosophy and Roman law, but also be open to ideas rooted in oriental and Indigenous wisdom. Meaningful, enduring answers to complex ethical dilemmas and other challenges that confront modern lawyers ultimately will be delivered by human creativity, empathy, and emotional intelligence rather than the simplistic, robotic, pastiched responses of AI or the quick-fix ChatGPT for Law that offers little more than a legal spell checker²⁰.

Future research in the field of legal ethics should therefore re-examine the embedded nature of adversarialism supporting current professional ethics and trial procedure. We should explore alternative ethical perspectives and frameworks (eg, normative and feminist theory and the ethics of care) that might better fit and explain the expanding nature of legal work taking place outside the courtroom (for example, the ethics of mediators or the ethics of employed lawyers). In a situation where our planet is facing existential crises, one must question whether ‘neutral partisanship’ remains the best, or only, foundation for future lawyers’ ethics. I incline to agree

¹⁹ See, for example: the latest ILEC theme – “Legal Professionals in a Digitalising World”. Available at: <https://www.ilec2024.com>.

²⁰ See: the IA “Spellbook”. Available at: <https://www.spellbook.legal/gpt-4-for-lawyers>.

with Abel’s concerns when he asks; “[...] Should [lawyers] help clients exacerbate climate change, defend gross inequalities of wealth and power, or subvert liberal democracy? If not, how should we reshape ethical boundaries and enforce them?” (ABEL, 2022, p. 634). Any future re-conceptualization of lawyers’ ethical boundaries or regulatory frameworks will require much more than the current ‘re-cycling’ capabilities of AI and will need to draw upon original legal, political, and ethical theory, not to mention an understanding of human behavior²¹. Future researchers should aim to map this uncharted terrain and then, where they can, identify solutions to practical problems.

Cleber Francisco Alves; Joaquim Leonel Alvim: And what about the broader “global access to justice movement”? Has this had its day with access to justice becoming an exhausted, obsolete cliché, both intellectually and politically? The romantic idealism of the 1970s has gone, and neoliberalism has now replaced the welfare state model in both peripheral and developed countries. How do you see the issue of access to justice today and is it still relevant in the contemporary world? If so, what are the current priorities, both overseas and in Brazil?

Kim Economides: Work on the Florence A2J project got under way in late 1973 when, with support from the Ford Foundation and Italian National Research Council (CNR), materials were collected on civil justice issues. Half a century later, it is indeed tempting to look back with nostalgia at the optimism and confidence that pervaded the original Florence A2J research team, of which I was a part. Cappelletti firmly believed his ‘green volumes’ should not collect dust on a shelf but would inform law reform initiatives within governments and so trigger positive change in society. The final volume in the Florence A2J series aimed specifically to ‘disseminate findings’ and was not only directed toward a policy and practitioner audience, but also assumed the survival of the welfare state (CAPPELLETTI, 1981). Today, all but the last of Cappelletti’s three waves look as if they are on the ebb and receding. Many (but not all) countries have reduced or withdrawn funds for public services traditionally associated with the welfare state including the first wave of legal aid and, particularly outside Latin America, the second wave of salaried lawyers that offered more strategic legal assistance has also been struggling to survive. Only the third wave manages to maintain some momentum, probably because it involves minimum cost to the state and encourages peaceful, early - and cheap -

²¹ See, for example: Jamie Susskind (2018; 2022).

resolution of disputes through diverting clients away from expensive lawyers, judges, and formal courts.

Neoliberalism, as you rightly suggest, has been in the ascendancy in many advanced Western democracies, particularly since Cappelletti died two decades ago, and drastic cuts in public spending has resulted in widespread cynicism in what is left of public legal services. Despite the rise of neoliberalism and market individualism that pervades so many advanced democracies I do not conclude that the idea of A2J is now an irrelevant cliché that has had its day. To the contrary, the normativity and aspirational goals of the global A2J movement remain highly relevant everywhere, both to the professional formation of future lawyers and to educating future citizens about their rights and what they can legitimately expect from those who govern them. However, not every country faces identical challenges, and today there are significant differences between capitalist, welfare, and authoritarian states when it comes to legal service provision and, at least in countries like the USA and UK, the broad consensus amongst political parties of the 1980s that once supported a ‘mixed delivery system’ has now disappeared²².

The priority, and challenge, for future A2J research, as in the past, is to apply comparative and interdisciplinary methods to discover new or better ways of delivering legal services without compromising on quality. Local researchers need to learn about experience overseas, as well as internal historical and Indigenous experience, to see if this can be applied to overcoming obstacles that prevent vulnerable or excluded citizens from accessing the legal services they most urgently need. In short, I see A2J as a permanent struggle that can neither be fully achieved, nor therefore can ever be said to ‘have had its day’.

Cleber Francisco Alves; Joaquim Leonel Alvim: Perhaps you could say more about how you see contemporary Brazilian realities, particularly regarding the future potential, limitations, and challenges for delivering equal access to justice throughout Brazil, especially for its most marginalized and remote communities?

Kim Economides: Having made just three visits to Brazil, the best I can offer is an outsider’s, detached perspective on Brazilian A2J. My awareness of Brazilian ‘realities’ probably began

²² See: Kim Economides and Bryant Garth (1984).

in the 1970s when I was in Florence and first read (in translation) the work of Roberto Mangabeira Unger (1975; 1976), and also the Portuguese sociologist, Boaventura de Sousa Santos (1977), who wrote about informal dispute resolution outside the formal court system in Rio de Janeiro's favelas. Then in the 1980s and 1990s I both met and read the work of other prominent Brazilian legal sociologists such as Jose Eduardo Campos de Oliveira Faria (1984; 1998) and Eliane Botelho Junqueira (1994; 1998; 1999), who directed IDES (Institute of Law and Society) and wrote about legal education. Since then I have met innovative Brazilian itinerant judges including Cristina Tereza Gaulia and Eric Linhares, public defenders working in both cities, such as Cleber Alves and Diogo Esteves, and several others, such as Maurilio Maia and Elceni Diogo da Silva, based in more remote regions of Brazil such as Amazonas and Roraima. I have also maintained regular contact with other Brazilian researchers at conferences, both in Brazil and overseas, and some such as Joaquim Leonel Alvim, Cristiana Vianna Veras and Leslie Ferraz have even visited me in Adelaide where we discussed or co-authored publications on remote justice, vocational bar exams and mediation (ECONOMIDES, 2016; ECONOMIDES; ALVIM, 2019).

Many of the above have become good friends and we stay in touch about latest developments. One important lesson to emerge from my discussions and observations of A2J in Brazil is that, despite the tremendous dedication of judges, public defenders, and prosecutors, major underlying structural barriers remain. Low levels of public education and civic participation have a disproportionate impact on the A2J within both geographically remote and socially marginalized sectors of Brazilian society. The problem of A2J is therefore not confined to remote regions but also arises in the heart of Brazil's largest cities, Sao Paulo and Rio de Janeiro. During each of my visits to Brazil I have been struck by profound social inequality that clearly impacts on all marginalized Brazilian citizens. A2J remains critical precisely because it guarantees so much more than just access to lawyers and judges, through them, it also facilitates access to basic civil rights of education, health, and welfare, and wherever one may happen to live.

Last year this became very evident during a visit I made with a team of itinerant judges and public defenders to the Waimiri-Atroari, a remote Amazonian tribe, to learn first-hand about A2J in marginalized communities. Civil registration for Indigenous communities is a clear priority as it guarantees access to health, welfare, and other basic rights but what is so important

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is building competence within these communities and avoiding imposing solutions from the outside²³. Furthermore, I argue that it is essential that both researchers and providers of legal services remain open to learning from these remote communities. This means being prepared to listen to and learn from Indigenous cultures in order that we may support the very latest A2J wave, what I have called the ‘counter-wave’ (ECONOMIDES; TIMOSHANKO; FERRAZ, 2020; ECONOMIDES, 2020).

Cleber Francisco Alves; Joaquim Leonel Alvim: Lastly, you also have a research interest in comparative legal professions, particularly the role of lawyers and their representative bodies (bar associations) in defending democracy and the rule of law. What are your latest thoughts on the role of lawyers in resisting attacks on liberal democracy, particularly following the rise of authoritarian or populist demagogues (for example Trump in the USA and Bolsonaro in Brazil) and their attempts to subvert democratic institutions and elections?

Kim Economides: There can be little doubt that our planet is facing existential crises or that lawyers have a vital role to play in defending the environment, the vulnerable, liberal democracy, and the rule of law. Brazil arguably is in the front line of defence against such threats particularly regarding the environment, inequality, and the subversion of democratic and electoral processes. Deforestation of the Amazonian rain forest assisted by political leaders such as Bolsonaro, who like Trump appears to have minimal respect for constitutional values, has enormous implications for the whole planet, but thankfully Brazilian institutions have proven to be sufficiently robust to reverse, or at least halt, some of the worst damage inflicted during Bolsonaro’s presidency. President Lula, while supporting democratic elections, has introduced reforms to help Brazilians escape poverty, illiteracy, unemployment, infant mortality while increasing access to education, health, and welfare. As mentioned earlier, I have observed first-hand the dedication of public defenders and itinerant judges and believe Brazil is making steady progress under difficult conditions.

At a time when many Western leaders turn a blind eye to the loss of innocent lives in Gaza it is encouraging to see BRICS countries like South Africa and Brazil taking a moral lead and using the legal process creatively to defend the most vulnerable. Lawyers have the capacity to do

²³ See: Cleber Francisco Alves (2023). See also Roraima State Court of Justice project “Justiça Cidadã” [Citizens’ Justice]. Available at: <https://www.youtube.com/watch?v=VdPt38h3hs8>.

much good in the world, but we also know they can easily get caught up in scandals and can assist clients - be they individuals, companies, or governments - to pursue evil ends. This is precisely why we must try to educate lawyers in both the public and private sectors about their ethical and professional responsibilities and why the ‘fourth wave’ remains highly relevant today. The Brazilian Bar Association (OAB) has in the past played an important role in educating future lawyers about ethics while itself defending human rights and constitutional values in Brazil (JUNQUEIRA, 1999; ECONOMIDES; ALVIM, 2019)²⁴.

My concluding thought is that legal professions can learn much from each other not only about how best to manage the legal system, but also how best to manage, educate and regulate themselves²⁵. What we need, both now and in the future, are humane, proactive lawyers and judges determined to deliver justice for ordinary citizens and, so far as I can tell, thankfully there are plenty in Brazil.

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²⁴ For recent developments in Brazil see Maria da Glória Bonelli and Pedro Fortes (2020).

²⁵ See further Kim Economides (2022), my review essay of the two volumes of “Lawyers in 21st - Century Societies” edited by Richard L. Abel *et al.* and published in 2020 and 2022.

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