

Dentist's role as an expert in labor lawsuits in Brazil

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ABSTRACT

It's humanly impossible for a single Judge to dominate all sciences and technical knowledge about all the areas that lawsuits can involve. For that, the Judge, in Brazil, must indicate an expert in the corresponding subject of the litigation. The expert will then produce a report, whose content will give fundamentals that are important for the trial's result. In a dental context, this is not different from other areas and a dentist can contribute for expertise in all areas of law: criminal, civil, administrative and labor. The matter involves majorly cases that accidents originated from work and work diseases occur, which might also harm the teeth and/or oral cavity. The aim of this study was to elucidate accreditation procedures of these professionals in the 24 Regional Labor Courts (RLC) in Brazil (which are composed by one or two states at a time), as well as fees compensated to these experts, when the Court is responsible for the payment settle. To gather these information, a documental research was conducted, using websites of the 24 Courts and when the information online was unsatisfactory, an email was sent and a phone call made to the ombudsman service of the RLC. All the RLCs have proper accreditation procedures, that are in some cases by attending Court specific expert register services and in other ones digitalized. Concerning the fees, the Superior Labor Justice Council (SLJC) has declared, through Resolution number 66/2010, guidelines to standardize maximum values, responsibility for payment and possibilities for settlement anticipation prior to the expert report submission. Most of the RLCs follow the Resolution through individual regulations, however some of them surpass the maximum value established by the SLJC (R\$ 1000,00), while others shorten the expense earned by the expert.