

ROBED ENVY

Article 85 of the Brazilian Code of Civil Procedure, the “Tribunalization” of Attorney’s Fees, and the Symptom of Diminishing the Other

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1. Opening Scene: When the Judge Complains About What the Lawyer Receives

There is a silent discomfort that runs through the backstage of the Brazilian Judiciary and that has recently gained public voice: the complaint that the Superior Court of Justice would have been converted into a “court of attorney’s fees.” The complaint, widely reported in the specialized legal press, comes with numbers: **43 binding theses** have already been established in repetitive appeals concerning **attorney’s fees awarded due to defeat**, with another ten awaiting judgment (See Vital, 2026). At first glance, the data appear technical. Yet they conceal an older unease that deserves to be named: the discomfort of judges before what lawyers receive at the end of a case, in the form of **fee-shifting attorney’s fees** whose ownership belongs to them by express legal command (See CPC, art. 85, § 14).

2. The Architecture of Article 85 of the Brazilian Code of Civil Procedure: The Losing Party Pays, the Lawyer Receives

2.1 The Principle of Causality as an Ethical-Economic Vector

The **Brazilian Code of Civil Procedure of 2015** structured the regime of attorney’s fees awarded due to defeat around a relatively simple principle, although rich in consequences: whoever causes the judicial machinery to move without reason must bear the financial cost of that provocation. This is the **principle of causality**, which operates as both an ethical and economic vector, distributing between the parties the burden of a dispute that, in the end, consumes public resources.

Article 85, caput, establishes the basic rule: the judgment shall order the losing party to pay attorney’s fees to the lawyer of the prevailing party, thereby creating an autonomous obligation, with its own ownership, distinct from the party’s credits (See Vital, 2026).

2.2 The Statutory Percentages: Brackets, Economic Benefit, and the Public Treasury

The wording of the provision is meticulous, perhaps so that there would be no doubt as to what must be observed. Attorney’s fees shall be fixed between **ten and twenty percent** of the amount of the judgment, of the economic benefit obtained or, when it is impossible to measure it, of the updated value of the claim (See CPC, art. 85, § 2).

In cases in which the **Public Treasury** appears as a party, the legislator constructed a decreasing table in five brackets, ranging from three to twenty percent, according to the extent to which the amount of the judgment moves away from the parameter of **200 minimum wages**, with subsequent application of the exceeding brackets (See CPC, art. 85, §§ 3 and 5). The system is, in itself, crystalline.

2.3 The Prohibition of Equity in High-Value Cases

Law No. 14,365/2022 inserted § 6-A into Article 85, with language that requires no sophisticated exegesis: when the amount of the judgment, the economic benefit, or the value of the claim is **“liquid or capable of liquidation,”** equitable assessment is prohibited, except in the hypotheses expressly provided for in § 8.

The rule was written precisely to prevent what had been becoming routine: the discretionary reduction of attorney’s fees in high-value cases through the generic invocation of

“reasonableness.” The rule is clear. Its observance, however, depends on a subjective disposition that is not always found in forensic practice (See Vital, 2026).

2.4 The Alimentary Nature and Credit Privilege

Paragraph 14 of Article 85 contains what, from the lawyer’s standpoint, may be the most decisive recognition: attorney’s fees **“constitute a right of the lawyer and have an alimentary nature, with the same privileges as credits arising from labor legislation.”** The rule therefore equates fee-shifting attorney’s fees with the worker’s salary, granting them a credit privilege close to that of alimentary payments *stricto sensu*.

To deny effect to this qualification - treating attorney’s fees as a **“secondary amount”** or as a **“minor consequence”** - is, more than a technical error, a symbolic operation that deserves analysis (See CPC, art. 85, § 14).

3. The “Court of Attorney’s Fees”: 43 Theses and the Symptom of Repetition

3.1 Statistical Volume as an Institutional Diagnosis

The numbers raised by the **Superior Court of Justice** speak for themselves. The First Section, responsible for tax and administrative matters, has established **28 theses** on attorney’s fees, an expressive number that is explained, in part, by the presence of the Public Treasury in tax foreclosures - the greatest bottleneck of the Brazilian Judiciary.

The Special Court, with competence to standardize understandings among Sections, recorded **21 repetitive appeals**. The Second Section, devoted to Private Law, has four. The Third Section, because it adjudicates criminal matters, has no repetitive appeals on the subject, an absence that is technically obvious (See Vital, 2026).

3.2 The Paradox: Why So Many Theses If the Law Is Clear?

The question exposed by the number is uncomfortable: if Article 85 contains detailed rules, express percentages, graduated brackets, and specific prohibitions on equity, why did the STJ need to establish **43 binding theses** on the matter?

The answer, provided by the report of Consultor Jurídico itself, is disconcerting: because there is **systematic disregard for the CPC**, non-compliance with consolidated case law, and repeated use of equity to reduce attorney’s fees (See Vital, 2026). In other words, a significant portion of the repetitive appeals exists not to fill legislative gaps, but to reaffirm what the law already says.

3.3 Case Law in Formation and the Search for Predictability

The São Paulo public attorney Michelle Najara, heard by the report, summarized the picture with technical precision: the multiplicity of controversies reveals the **“enormous diversity of litigation”** and helps explain the high level of litigation before the STJ. Her suggestion was pragmatic - that the Court itself carry out a systematic survey of repetitive patterns, submitting them to the repetitive-appeal procedure in search of uniformity and legal certainty (See Vital, 2026).

The proposal is reasonable, but it presupposes that the problem is, in fact, technical. The hypothesis defended here is another: the symptom is, before anything else, **psychoanalytic**.

3.4 Symptomatic Cases: Theme 1,388 and the Prohibition of Equity

Theme 1,388, submitted to the Second Section, is exemplary. The collegiate body must decide whether the judge must observe the OAB fee table when arbitrating attorney's fees by equity, as determined by § 8-A of Article 85. In direct language: the STJ will decide whether the law must be complied with (See Vital, 2026).

The formulation of the controversy, in itself, is already diagnostic. When a Superior Court needs to establish a thesis to answer whether an express rule of the CPC binds judges, the discussion has left the terrain of hermeneutics and entered that of **institutional resistance**. The phenomenon has a proper name in psychoanalysis, and we shall arrive at it.

4. The Psychoanalysis of Devaluation: Envy Beneath the Robe

4.1 Why Reduce What the Lawyer Receives?

The clinical question is the same that **Melanie Klein** formulated in another context: why does a subject spend considerable psychic energy reducing the value of what the other has received, instead of simply applying the law and moving on?

The answer, transposed from the couch to the courtroom, retains its disturbing precision: because the existence of that good hurts. And the pain, experienced as **narcissistic humiliation**, demands immediate relief. The discretionary reduction of attorney's fees, carried out under the alibi of "**equity**" or "**reasonableness**," functions as a psychic anesthetic: if the lawyer's work is not worth that much, then the high remuneration ceases to cause discomfort (See Klein, 1957; Ferreira, 2025).

4.2 The "Devaluation Defense" Applied to the Forensic Setting

Klein described the mechanism as a **defense by devaluation**: unable to tolerate the perceived goodness in the object, the subject anticipates the narcissistic impact by previously reducing the value of that object. The forensic transposition is direct.

The judge who reduces the attorney's fees of a one-hundred-million case to a symbolic amount is not, strictly speaking, exercising technical discretion: he is performing a psychic operation that protects his narcissism from the realization that the prevailing lawyer will receive, in a single case, more than he receives in months or years (See Klein, 1957; Feldman; De Paola, 1994).

4.3 The Rhetorical Masks of Reduction: "Reasonableness" and "Equity"

Psychic discomfort does not present itself openly. No one writes in a judgment: "**I reduce the attorney's fees because the lawyer will receive more than I do.**" Envy, as Klein showed, operates in disguise. It dresses itself in garments acceptable to the ego and to law: "**reasonableness**," "**proportionality**," "**equity**," "**exorbitance of the amount**," "**work not so complex.**"

All of these are forms of the classic poisoned compliment: it is formally acknowledged that there was work, only to empty it of value immediately afterward. The "**it was good work, but...**" of the judgment mirrors, with almost literal fidelity, the same movement that Klein identified in the systematic relativization performed by the ordinary envious subject (See Klein, 1957; Ferreira, 2025).

4.4 The Attribution of Success to External Causes: The Alibi of the “Easy Thesis”

Another recurring mask is the attribution of the lawyer’s success to factors external to professional merit. **“The thesis was settled.” “Any lawyer would have won.” “The result stemmed from consolidated case law, not from the work.”**

The operation is the same described by Klein and by Marraccini and Figueiredo: if success does not arise from any real quality of the envied person, then the envious subject has no reason to feel smaller. The difference between the two disappears, **“because it was false from the beginning.”** The judge preserves his narcissism at the expense of the reality of legal work (See Marraccini; Figueiredo, 2021).

4.5 Lacan and the Enjoyment of the Robed Other

In a Lacanian key, the reduction of attorney’s fees assumes another dimension. For **Jacques Lacan**, in Seminar 11, envy - **“invidia”** in Latin, a word whose root means **“to look upon with ill will”** - is not properly directed at the object that the other possesses, but at the **jouissance** that the other seems to extract from that object.

The judge who reduces million-dollar attorney’s fees does not covet the lawyer’s money: he suffers before the enjoyment he imagines to exist in that remuneration, in that professional success, in that autonomy that liberal professional practice affords. To reduce attorney’s fees is a symbolic attempt to **“erase the enjoyment of the Other,”** presumed to be full and complete in the imaginary scene (See Lacan, 1964; Vieira, 2020).

4.6 The Attack on the Source: Why the Symptom Repeats Itself

There is a particularly cruel aspect of the Kleinian mechanism that deserves emphasis in the judicial context. **Devaluation feeds envy instead of curing it.** Each decision that reduces attorney’s fees below the legal minimum confirms, in the unconscious of the decision-maker, that the fee was indeed threatening - and therefore real.

The defense denounces the problem it intended to conceal. That is why the STJ is forced to establish 43 theses: the symptom repeats itself because its origin is not legal, but **affective**. The law is clear; what resists the law is the psychic economy of those who should apply it (See Klein, 1957).

4.7 Theme 1,076 and the Collective Confession

Theme 1,076, decided by the Special Court, is perhaps the most transparent institutional confession of the phenomenon. The thesis established determines that **“the fixing of attorney’s fees by equitable assessment is not permitted when the values of the judgment, of the claim, or the economic benefit of the lawsuit are high”** (See Vital, 2026).

Now, the thesis had to be established precisely because judges from different instances had been systematically resorting to equity to reduce attorney’s fees in high-value cases, contrary to the express text of the law. By establishing it, the STJ publicly recognized what psychoanalysis would diagnose without hesitation: there was, and still is, a pattern of **devaluation** operating within the Brazilian judiciary.

5. The Institutional Costs of the Symptom

5.1 The Impoverishment of Legal Certainty

The systematic devaluation of attorney's fees produces costs that go far beyond the individual harm suffered by the prevailing lawyer. The first is the impoverishment of **legal certainty**: the parties cannot predict, with reasonable accuracy, what the burden of defeat will be at the end of the proceeding.

The economic calculation of litigation becomes random. Predictability, a structuring value of the procedural system, gives way to **affective discretion**. Law loses, in this process, part of its civilizing function, which is precisely to remove decisions from subjective arbitrariness (See Vital, 2026).

5.2 Artificially Inflated Litigation

The second cost is the artificial inflation of litigation. When the losing party knows that, on appeal, it may obtain a discretionary reduction of attorney's fees, the incentive to appeal increases. The expected cost of the appeal decreases.

More appeals mean more cases, more repetitive theses, and, paradoxically, more decisions on attorney's fees before the STJ. The symptom feeds on itself. The Court that complains of hearing too many attorney's-fee cases is, to some extent, the victim of an institutional culture that it itself, together with the lower courts, helped to create (See Vital, 2026).

5.3 The Institutional Solitude of the Lawyer

The third cost is more subtle and perhaps the most serious: the **institutional solitude of the lawyer**. When the professional who has won a complex case, after years of qualified technical work, receives a judgment that reduces his attorney's fees to a symbolic fraction of what the law commands to be paid, the implicit message is devastating.

It is not merely a matter of amount: it is about the recognition of the lawyer's function within the justice system. To reduce attorney's fees below the legal minimum is, symbolically, to reduce the importance of legal work in the production of the judicial decision. It is to **"empty the breast that nourishes,"** in Kleinian language (See Klein, 1957).

6. The Possible Way Out: From Attack to Elaboration

Psychoanalysis does not promise to extirpate envy. It is constitutive of the human being, and no robe neutralizes it. What it offers is the possibility of making it thinkable: displacing it from destructive acting out toward **symbolic elaboration**.

Applied to the Judiciary, this elaboration has a technical name: **compliance with the law**. When the judge manages to apply Article 85 of the CPC without discretionary distortions, he is not merely deciding correctly - he is performing, in the inner forum, the psychic work that Klein called the conversion of envy into gratitude. Recognizing that the prevailing lawyer **"received something good"** does not impoverish the judge; on the contrary, it strengthens the system of which both are part (See Klein, 1957; Vieira, 2020).

Gratitude, in the Kleinian key, dissolves the zero-sum logic that structures envy, according to which the other's gain is necessarily my loss. The Brazilian Judiciary urgently needs this

symbolic conversion. The **43 repetitive appeals** of the STJ are, ultimately, an institutional complaint against a symptom that has repeated itself for decades: the difficulty of the judiciary in accepting, on the affective plane, that advocacy is an essential function of Justice, endowed with its own, autonomous, and legally protected remuneration (See Federal Constitution of 1988, art. 133; CPC, art. 85, § 14).

Logic of the Theme: Robed Envy and the Devaluation of Attorney’s Fees

The logic of the system can be understood in progressive movement. First, Article 85 of the CPC structured a clear regime of attorney’s fees awarded due to defeat, anchored in the **principle of causality**, with express percentages, graduated brackets, and a prohibition of equity in high-value cases.

Second, this regime has an **alimentary nature** and a credit privilege equivalent to that of labor credits, granting attorney’s fees a robust legal status, close to that of wages.

Third, despite normative clarity, the STJ has established **43 binding theses** in repetitive appeals on the matter, with another ten pending, a fact that exposes a mismatch between the text of the law and its concrete application.

Fourth, the technical hypothesis - legislative gaps - is insufficient to explain the volume; the psychoanalytic hypothesis offers a complementary key: it is a symptom of **systematic devaluation**.

Fifth, Klein described the mechanism as **“devaluation defense”**: reducing the value of the good object in order to neutralize the narcissistic pain that it causes.

Sixth, in the judicial context, this defense dresses itself in acceptable garments - **“reasonableness,” “equity,” “proportionality”** - which function as poisoned compliments and as attributions of success to external causes.

Seventh, Lacan complements the diagnosis: the judge does not envy the lawyer’s money, but the imaginary **jouissance** that he supposes to exist in that remuneration and professional autonomy.

Eighth, the symptom feeds itself, because each discretionary reduction confirms, in the unconscious, that the fee was threatening.

Ninth, the institutional costs are high: impoverishment of **legal certainty**, artificial inflation of litigation, and the symbolic solitude of the lawyer.

Tenth and decisively, the way out is the same one Klein indicated for individual envy: conversion into gratitude, which, on the institutional plane, simply means complying with the law and recognizing advocacy as a function coessential to Justice.

Synoptic Chart

Theme	Explanation
Principle of causality	Ethical-economic vector of Article 85 of the CPC. Whoever causes the judicial machinery to move without reason bears the financial cost of that provocation. It distributes the burden between the parties according to who gave cause to the lawsuit.

Statutory percentages (§ 2)	Attorney's fees are fixed between ten and twenty percent of the amount of the judgment, of the economic benefit obtained or, when it cannot be measured, of the updated value of the claim. It is a closed bracket, leaving no room for free arbitration.
Decreasing brackets for the Public Treasury (§ 3)	Five brackets ranging from three to twenty percent, according to the extent to which the amount moves away from the parameter of 200 minimum wages. Subsequent application of the exceeding brackets (§ 5). A crystalline and mandatory system.
Prohibition of equity in high-value cases (§ 6-A)	Inserted by Law No. 14,365/2022. When the amount of the judgment, the economic benefit, or the value of the claim is liquid or capable of liquidation, equitable assessment is prohibited, except in the hypotheses of § 8.
Alimentary nature (§ 14)	Attorney's fees constitute a right of the lawyer, with alimentary nature and credit privilege equivalent to labor credits. Symbolically, they are equated with the worker's salary.
STJ as a "court of attorney's fees"	Forty-three binding theses established in repetitive appeals on the matter, with another ten pending. Statistical volume that diagnoses a mismatch between normative clarity and concrete application.
Distribution of theses by Section	The First Section concentrates 28 theses, mainly due to public-law matters and tax foreclosures. The Special Court established 21. The Second Section has four. The Third Section, which adjudicates criminal matters, has no repetitive appeals on the subject.
Institutional cause of the volume	Systematic disregard for the CPC, non-compliance with consolidated case law, and repeated use of equity for the discretionary reduction of attorney's fees in high-value cases.
Theme 1,388 as symptomatic	Submitted to decide whether the judge must observe the OAB fee table when arbitrating attorney's fees by equity, as determined by § 8-A. The STJ will have to say whether the law must be complied with.
Theme 1,076 as collective confession	Thesis that prohibits equity in high-value cases. It was established because judges had been systematically resorting to equity to reduce attorney's fees contrary to the express text of the law.
Defense by devaluation in Klein	Psychic mechanism described by Melanie Klein. The value of the envied object is reduced in advance in order to neutralize the narcissistic pain that its existence would cause. It is a preventive defense, not a genuine evaluation.
Envy as an attack on the good in Klein	In <i>Envy and Gratitude</i> (1957), Klein situates devaluation as a direct attack on the good object. It does not arise from frustration, but from the perception of the goodness of the envied object.
Feedback of the symptom	Devaluation confirms, in the unconscious, the value of the attacked object. Each discretionary reduction secretly recognizes the importance of the fee that was intended to be denied.
Systematic relativization	"It is good work, but...". The "but" functions as an operator of neutralization. The initial admission serves as an alibi. The attack lies in the second movement of the sentence.

Attribution to external causes	“The thesis was settled.” “Any lawyer would have won.” The real difference between envied and envious subject is erased, protecting narcissism at the expense of the reality of technical work.
Poisoned compliment	Formal recognition followed by disguised emptying. It appears generous and delivers hostility. It is a refined form of robed devaluation in judgments that reduce attorney’s fees.
Lacanian envy and the enjoyment of the Other	The judge does not covet the lawyer’s money. He suffers before the imaginary enjoyment that he assumes to exist in the remuneration and professional autonomy of the prevailing lawyer.
“Invidia” and the gaze	The Latin root of the word means “to look upon with ill will.” Lacan revisits the Augustinian scene of the pale infant to show that envy is born from confrontation with the supposed completeness of the other.
Cost: legal uncertainty	The parties cannot predict the burden of defeat. Predictability yields to affective discretion. Law loses part of its civilizing function.
Cost: inflated litigation	Discretionary reduction encourages appeals. More appeals mean more attorney’s-fee litigation. The symptom feeds on itself in a vicious institutional circle.
Cost: symbolic solitude of the lawyer	Reducing attorney’s fees below the legal minimum amounts to emptying the recognition of the lawyer’s role in producing the judicial decision. It is an “attack on the breast that nourishes,” in a Kleinian key.
Way out: compliance with the law as elaboration	The conversion of envy into gratitude has, on the institutional plane, a technical name: compliance with Article 85 of the CPC. It means recognizing advocacy as a function coessential to Justice (Federal Constitution of 1988, art. 133).

Expanded Table of STJ Precedents on Attorney’s Fees

Theme/Item	Explanation of the Precedent
1. Theme 2 - Special Court	Once the validity of the assignment of attorney’s fees by public deed is proven, and the amount of the attorney’s fee is discriminated in the court-ordered payment, the assignee’s standing to qualify for the credit stated in the payment order is recognized.
2. Theme 117 - First Section	Article 29-C of Law No. 8,036/1990, introduced by Provisional Measure No. 2,164-40/2001, is a special rule in relation to Articles 20 and 21 of the CPC. It applies only to FGTS-related lawsuits filed after its entry into force, on July 27, 2001. It was the first thesis established after the Repetitive Appeals Law.
3. Theme 128 - Special Court	Attorney’s fees are not owed to the Public Defender’s Office when it acts against the legal entity of public law to which it belongs. Application of so-called patrimonial confusion.
4. Theme 129 - Special Court	The Public Defender’s Office has the right to receive attorney’s fees when it acts against a federative entity other than the one to which it belongs. It complements Theme 128.

5. Theme 143 - First Section	In a tax foreclosure extinguished due to cancellation of the debt by the claimant, it is necessary to investigate who gave cause to the lawsuit in order to allocate the burden of attorney's fees. Direct application of the principle of causality.
6. Theme 175 - Special Court	Infringing appeals under the CPC/1973 are admissible to discuss attorney's fees, because the chapter of the judgment concerning fees is one of merits, although accessory, and Article 530 of the CPC did not restrict the nature of the matter.
7. Theme 184 - First Section	In expropriation, attorney's fees must respect the limits of Article 27, § 1, of Decree-Law No. 3,365/1941: between 0.5% and 5% of the difference between the proposed amount and the compensation imposed judicially.
8. Theme 195 - Special Court	Attorney's fees must be offset in cases of reciprocal defeat under the CPC/1973, while preserving the lawyer's autonomous right to enforce the balance, without excluding the party's standing. Partially superseded by § 14 of Article 85 of the CPC/2015.
9. Theme 212 - First Section	The extinction of small-value claims is a faculty of the Federal Administration, and ex officio judicial action is prohibited. It has repercussions on the fixing of attorney's fees.
10. Theme 222 - Special Court	Attorney's fees omitted in a final and unappealable decision cannot be charged in enforcement proceedings or in an independent action. Subsequently, § 18 of Article 85 of the CPC/2015 allowed an autonomous action for this hypothesis.
11. Theme 347 - First Section	In declaratory claims, because there is no pecuniary judgment to serve as a calculation basis, attorney's fees are fixed with reference to the value of the claim or in a fixed amount.
12. Theme 400 - First Section	Ordering the taxpayer who withdraws from tax enforcement objections involving National Treasury credits in order to adhere to installment payment to pay attorney's fees constitutes <i>bis in idem</i> , given the charge provided for in Decree-Law No. 1,025/1969.
13. Theme 407 - Special Court	Attorney's fees are due in the judgment-enforcement phase, whether or not there is an objection, after the period of Article 475-J of the CPC/1973 has elapsed, which begins after counsel is notified, with return of the records and the order "comply."
14. Theme 408 - Special Court	Attorney's fees are not due merely because the objection to judgment enforcement is rejected. This is a significant limitation on the prevailing creditor's claim for fees.
15. Theme 409 - Special Court	If the objection succeeds, with extinction of the proceeding by judgment under Article 475-M, § 3, the party who gave cause to enforcement was the creditor, who must bear the attorney's fees. Application of the principle of causality.
16. Theme 410 - Special Court	Even partial acceptance of the objection generates the arbitration of attorney's fees under Article 20, § 4, of the CPC/1973. The same

	applies to partial acceptance of the exception of pre-executivity, given the partial extinction of enforcement.
17. Theme 421 - First Section	It is possible to order the Public Treasury to pay attorney's fees when tax enforcement is extinguished due to acceptance of an exception of pre-executivity. Reaffirmation of the principle of causality against the Public Treasury.
18. Theme 433 - Special Court	Attorney's fees are not owed to the Public Defender's Office when it acts against a legal entity of public law belonging to the same Treasury. It confirms the thesis of Theme 128 under a new formulation.
19. Theme 441 - Second Section	An award in an amount lower than that requested in the initial complaint does not exclude minimum defeat; the burdens of defeat are not redistributed. Important guideline for damages cases.
20. Theme 450 - Special Court	Article 6, § 2, of Law No. 9,469/1997, which requires the division of attorney's fees, is inapplicable to agreements or settlements entered into before its entry into force. Restrictive intertemporal application.
21. Theme 506 - Special Court	Logical preclusion occurs under Article 503 of the CPC/1973 when, after an initial request for attorney's fees in enforcement, the party, after citation, appears only to retain contractual fees, without reiterating the request for fee-shifting attorney's fees. Extensive application of STJ Precedent 453.
22. Theme 525 - Special Court	In provisional enforcement, arbitration of attorney's fees in favor of the enforcing creditor is not appropriate. Once it becomes definitive, after the debtor has had the opportunity for voluntary compliance, the judge proceeds to arbitration.
23. Theme 587 - Special Court	Debtor's objections are an incidental action, and attorney's fees may be fixed in both actions with relative autonomy, respecting the limits of Article 20, § 3, of the CPC/1973. There is no reciprocity authorizing offsetting of attorney's fees under Article 368 of the Civil Code.
24. Theme 608 - First Section	There is no constitutional or legal impediment to attorney's fees being enforced through a small-value requisition when they do not exceed the limit, even if the principal credit follows the court-ordered payment regime. Autonomy of enforcement of the fee credit.
25. Theme 633 - First Section	Article 6, § 1, of Law No. 11,941/2009 exempts from attorney's fees only those who withdraw from an action for reinstatement of option or re-inclusion in installment-payment programs. In all other hypotheses, Article 26 of the CPC/1973 applies.
26. Theme 637 - Special Court	Attorney's-fee credits have an alimentary nature and are equated with labor credits for qualification in bankruptcy, subject to the limit of Article 83, I, of Law No. 11,101/2005. Attorney's fees for services rendered to the bankruptcy estate after the decree of bankruptcy are extraconcursal under Articles 84 and 149.
27. Theme 721 - First Section	Waiver of the amount exceeding that provided for in Article 87 of the Transitional Constitutional Provisions Act, expressed after

	enforcement is filed, does not authorize arbitration of attorney's fees, due to the principle of causality and Article 1-D of Law No. 9,494/1997.
28. Theme 872 - First Section	In third-party objections accepted to lift a constraint, attorney's fees are arbitrated according to the principle of causality: the current owner, as objector, is liable if he failed to update the data; the opposing party is liable if it insisted on the objection after becoming aware of the transfer.
29. Theme 961 - First Section	Attorney's fees may be fixed in an exception of pre-executivity when the partner is excluded from the passive side of the tax enforcement, even if the enforcement is not extinguished. Application of causality.
30. Theme 973 - Special Court	Article 85, § 7, of the CPC/2015 does not set aside STJ Precedent 345. Attorney's fees are due in individual enforcement proceedings of a collective judgment, even when uncontested and filed in joinder.
31. Theme 1,050 - First Section	Administrative payment of a social-security benefit, whether total or partial, after valid citation, does not alter the calculation basis for attorney's fees fixed in the knowledge phase, which consists of the totality of the amounts due.
32. Theme 1,059 - Special Court	The appellate increase of Article 85, § 11, of the CPC presupposes that the appeal was entirely dismissed or not heard. It does not apply in the event of total or partial granting of the appeal, even if minimal.
33. Theme 1,076 - Special Court	Central thesis: fixing attorney's fees by equity is prohibited when the amounts of the judgment, the value of the claim, or the economic benefit are high, and observance of §§ 2 or 3 of Article 85 is mandatory. Equity is allowed only when the benefit is inestimable or derisory, or when the value of the claim is very low.
34. Theme 1,105 - First Section	STJ Precedent 111, as worded in 2006, remains effective after the CPC/2015 with respect to the fixing of attorney's fees in social-security matters.
35. Theme 1,153 - Special Court	Although attorney's fees awarded due to defeat have an alimentary nature, they do not fall within the exception of Article 833, § 2, of the CPC concerning attachment for alimentary payments. A relevant enforcement limitation.
36. Theme 1,175 - First Section	Before Article 22, § 7, of the Statute of the Brazilian Bar Association entered into force on October 5, 2018, the union had to present contracts with each member in order to retain contractual fees. After that date, presentation is no longer required, but express authorization from the beneficiaries remains necessary.
37. Theme 1,177 - First Section	Submitted issue: to determine whether it is possible to order the Union to pay attorney's fees in a public civil action. Pending judgment.
38. Theme 1,181 - Second Section	Submitted issue: to determine whether the res judicata effects of a judgment fixing fees for a court-appointed defense attorney extend to the federative entity responsible for payment when it did not participate in the proceeding, under Article 506 of the CPC.

39. Theme 1,190 - First Section	In the absence of an objection to the enforcement claim, attorney's fees are not due in judgment-enforcement proceedings against the Public Treasury, even when the credit is subject to a small-value requisition.
40. Theme 1,229 - First Section	In light of causality, attorney's fees may not be fixed when the exception of pre-executivity is accepted to extinguish tax enforcement due to intercurrent prescription under Article 40 of Law No. 6,830/1980.
41. Theme 1,232 - First Section	Under Article 25 of Law No. 12,016/2009, attorney's fees are not fixed in judgment-enforcement proceedings arising from an individual writ of mandamus, even when patrimonial effects result from it.
42. Theme 1,242 - Special Court	Submitted issue: to determine whether the party and the lawyer have concurrent standing to seek an award or increase of attorney's fees awarded due to defeat. Pending judgment.
43. Theme 1,250 - Second Section	Submitted issue: to determine whether attorney's fees awarded due to defeat are due when an objection to a credit is accepted in judicial reorganization and bankruptcy proceedings. Pending judgment.
44. Theme 1,265 - First Section	When the exception of pre-executivity results only in the exclusion of the claimant from the passive side of the tax enforcement, attorney's fees are fixed by equitable assessment under Article 85, § 8, because the economic benefit is inestimable.
45. Theme 1,298 - First Section	The percentages of Article 27, § 1, of Decree-Law No. 3,365/1941 apply to attorney's fees owed by the claimant in the event of withdrawal from expropriation for public utility or from the establishment of an administrative easement, calculated on the updated value of the claim.
46. Theme 1,313 - First Section	In lawsuits seeking from the Public Authority the satisfaction of the right to health, attorney's fees are fixed by equitable assessment, without application of Article 85, § 8-A, of the CPC.
47. Theme 1,317 - First Section	Literal reaffirmation of Theme 1,313: in health-rights claims against the Public Authority, attorney's fees are fixed by equity, without application of § 8-A.
48. Theme 1,388 - Second Section	Submitted issue and symptomatic case: the need to observe the minimum parameters of Article 85, § 8-A, of the CPC when attorney's fees are fixed by equitable assessment. The STJ will decide whether the law must be complied with.
49. Theme 1,392 - First Section	Submitted issue: to determine whether attorney's fees are due in judgment-enforcement proceedings against the Public Treasury when the objection to the enforcement claim is totally or partially rejected.
50. Theme 1,399 - First Section	Submitted issue: to determine whether, in the individual enforcement of a collective judgment extinguished because of the granting of a rescissory action filed by the Public Treasury, the enforcing party may be ordered to pay attorney's fees.

51. Theme 1,413 - First Section	Submitted issue: to determine whether the taxpayer may be ordered to pay attorney's fees in tax enforcement when there is extrajudicial payment of the debt after filing but before citation.
52. Theme 1,419 - First Section	Submitted issue: to determine whether attorney's fees should be awarded in the appellate decision that grants a rescissory action to apply the modulation of Theme 69 of the Federal Supreme Court, the so-called "thesis of the century" concerning ICMS in the PIS/COFINS calculation basis.
53. Theme 1,429 - First Section	Submitted issue: to define which party bears the burdens of defeat regarding the period during which the claimant is exempted from collecting tax due to the modulation of STJ Theme 986 concerning TUST/TUSD in the ICMS calculation basis. It also seeks to determine whether there is a right to restitution of undue payment for those who paid in full.

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