



Lecture from the President  
of the Brazilian Bar Associations'  
National Commission of Foreign Affairs,

**Dr. Marcelo Lavocat Galvão**

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Ladies and Gentleman

On behalf of the Brazilian lawyers, I would like to thank you for the honorable invitation. I would also like to greet the participants of this conference who kindly gave me the opportunity to talk about the presence of the Brazilian legal profession in the context of the internationalization of our activity.

As the president of the Brazilian Bar Association's National Commission of Foreign Affairs, it is my duty to show the democratic and developed countries the ideal of integration and collaboration our entity maintain with its counterparts, over its 83 years.

I would also like to greet and congratulate the organizers for the well-chosen main theme, that

Our lawyers have also crossed the borders and started to act in processes related to complex business and economies of interdependent markets, grasping the good winds that exceptionally blow in the south hemisphere.

The Brazilian lawyers started, in this way, to cooperate with lawyers from other countries, as the international business expanded, trespassing geographic borders, setting different patterns in the fields of law and, consequently, opening new horizons in the legal profession field.

The Brazilian Bar Association, which controls the legal profession, has stimulated the pacific co-existence between Brazilian and foreigners, and it is sure that the international law will develop to absorb the strategic partnerships that are being built between service providers, aiming to fill up spaces and emerging areas of practice, enhancing the strong features of the partners as well as aiming to reduce the risks and to provide the technical capacity for the enterprises.

Regarding the legal profession, the increase of opportunities could be noted mainly after 1997,

the Brazilian Bar or non-lawyers. The Brazilian Law does not have provisions that consider the legal profession as a business.

And there is a single reason: the legal profession in Brazil is a fundamental service to the management of Justice, according to the constitution, and it is not a simple auxiliary service on business issues.

In Brazil, the lawyer, in his private practice, is doing a public service and his duty is conceived as a social mission. The lawyer can act freely, independently, and is inviolable for his acts or manifestations in the practice of his profession, according to the article 133 of the Federal Constitution, therefore, he is not allowed to subject and undergo himself to the mercantilist rules and impositions.

Furthermore, due to the required freedom and independence while performing the lawyers duty, and due to the legal profession`s social mission content, once the lawyer is an active agent from the power that performs the Law, there is a deep ethical requirement that must be preserved.

In this regard, it is important to mention that the foreign lawyer can practice the legal profession in Brazil.

For doing so, the foreign lawyer must duly revalidates his certificate and fulfills the legal requirements to register at the Brazilian Bar Association. Therefore, there are no other obstacles or any xenophobia holding back the foreign lawyer to practice the legal profession in Brazil.

On the other hand, the foreign law consultants or societies not subject to the original registration at the Brazilian Bar, may practice the legal profession in Brazil under the rules established in the law, which are: proof of being a fully authorized lawyer in the native country; practice of consultant services in foreign law which corresponds to the native state or country; it is illegal to act as lawyer and to perform consultant and advisor services on Brazilian law; OAB's authorization to provide consultant services on foreign law, by registering at the entity, which will be granted only if the person proves to have a residence visa in Brazil; of being able to practice the legal profession; to prove good conduct

able to defend the Brazilian companies interests in the globalized world.

We are sure that the enhancement of the foreign trade is a strategic point for our list of offerings overseas, being essential to the development of our economy and to the increase of the affairs with other countries.

The legal profession, therefore, cannot be an obstacle to this fundamental advance for our society. We do not want to prevent this new development path and increase of life conditions in countries like Brazil, that have long suffered with poverty and misery of a great part of the population.

Therefore, our biggest goal is related to the fulfillment of the Brazilian Law and the defense of a class that, according to the constitution, is part of the justice administration, not a mere branch of the private market.

Our constitution, that will complete 25 year of existence on October, states clearly in its article 133 that "The lawyer is indispensable to the

The third mentions that the Federal Regional Courts and the State Courts shall be composed by one fifth of lawyers and member of the Public Prosecution (or prosecutor).

In those cases, the judges are chosen out of a list prepared by the Brazilian Bar Association.

The Superior Court of Justice, a high level entity of the judicial power, has one sixth of its seats occupied by this system of lists prepared by the Brazilian Bar Association, which must be composed by lawyers registered at the Brazilian Bar Association, effectively practicing their professional activity for more than ten years, of notable juridical learning and spotless reputation.

The forth mention to the legal profession refers to the possibility to file direct actions of unconstitutionality and declaratory actions of constitutionality in the supreme court, seeking remedies for acts of the State powers.

The fifth mention states that the National Council of Justice, a body for external control of the judiciary branch, composed of 15 member, must

prerogatives. The matter here are the client rights. Regardless the client`s wealth and influence. Everyone have the right of presumption of innocence, the right to a fair hearing, the right to the due process. One shall not be convicted but by the judgment by the court of last resort. And the lawyer is the effective link between those citizenship`s fundamental rights and the justice”.

In this regard, the combination of these factors legitimates a timely, planed and permanent action of the Brazilian Bar Association in defense and appreciation of the legal profession, that, in the last resort, is linked to its great mission, that is tonconsolidate the Democratic Rule of Law in Brazil and ensure its proper functioning for all who resort to the law.

Ladies and gentlemen,

I would like to thank you all, with the warmth of the friendship that shall nourish the human feelings. On behalf of the Brazilian Lawyers, I congratulate you for this initiative, wishing all the most complete success and that bright lights illuminate the following debates.