

International Development Grant 2017

Bar Council British-Brazilian Exchange Programme June 2017

I was awarded the International Development Grant to participate in the 2017 Bar Council Brazil exchange programme. The programme was an excellent experience which involved spending a week in a law firm in São Paulo, a further week with a second firm in Rio and a series of seminars and discussions held between the delegation from the Bar Council and the Brazilian lawyers' associations.

Through the opportunity that the grant had given me I had a fascinating few weeks learning about the operation of the legal profession in Brazil and their court system. My hosts at Machado Meyer in São Paulo and Demarest in Rio were both incredibly generous with their time, organising for me to see as much of the courts as possible as well as taking time out of their schedules to share experiences of the legal profession. In court there were some familiar scenes such as the style of oral advocacy deployed and long lists of mentions, but also striking differences including a common practice of seeing the judge in chambers without the other party, and the provision of coffee in the court room to both judges and advocates (something I would happily see adopted in England).

Of particular interest and benefit to me was the opportunity to discuss the ongoing 'Operation Car Wash' (*Lava Jato*) corruption investigation. Since 2014 the investigation had been looking into allegations of corruption surrounding the state oil company Petrobras, and had led to the indictment and conviction of hundreds of executives and politicians. At the time of our visit in June 2017 there were daily news reports regarding the allegations against the incumbent President, Michel Temer. I have been engaged for the past two years on a government corruption trial in the Caribbean, instructed as junior counsel defending a former government minister, and so the issues surrounding the Petrobras allegations were pertinent to my practice. It was interesting to get local lawyers' opinions on the eventual outcome of the investigation and prosecutions, what if any impact it would have on the political culture there and differing opinions on the merits of plea agreements and the use of 'preventative detentions' which had often proceeded them.

I also found the time to explore these two great cities beyond the legal institutions and through the generosity of my hosts at Demarest in Rio experienced highlights such as a football match in the Maracanã stadium and 6am surf lessons before work on Ipanema beach against the backdrop of the Dois Irmãos.

During the exchange programme I gained useful contacts, both with my Brazilian hosts and the other members of the Bar of England and Wales who were attending as part of the Bar Council delegation. It was also an invaluable opportunity to understand and promote the potential use of the English Bar in foreign jurisdictions, the focus of collaboration in Brazil for example being on arbitration.

I would strongly encourage other members of the junior Bar to take advantage of opportunities such as this, made feasible by the generous support available through the Young Barristers' Committee and the specialist bar associations.

Peter Melleney
January 2018