

PROCEDURES FOR HIRING A LAWYER TO A FOREIGN LEGAL PERSON IN BRAZIL

The foreign legal person will be represented in court, as plaintiff or defendant by the manager, agent or administrator of its branch, agency, or subsidiary open or established in Brazil. This is the general rule.

However, in the case of no branch, agency, or subsidiary existing in the country, the company must follow the procedures below:

In the case of a **notarized power of attorney**, it shall also be recorded with the Brazilian Consular Office in the Book of Powers of Attorney (*Livro de Procurações*). The Office can draw up powers of attorney for foreigners holding a Foreigner National Registry (RNE) document, aged 18 or older or emancipated minors, in the full exercise of their civil rights.

Foreigners who do not have the RNE may draw up a power of attorney in two ways: (a) public power of attorney: the document should be drawn up with a local notary public, legalized in Consular Office, translated in Brazil (by a sworn translator) and recorded in a Registry Office of Deeds and Documents in Brazil; (b) private power of attorney.

DOCUMENTATION REQUIRED:

- [power of attorney form](#) duly filled, legible and without abbreviations, and signed by the principal(s). The field containing the "powers" should include a clear and concise description of the powers conferred upon. The interested party may use the models provided by a notary, by a lawyer or by the Office;

- if the principal is a foreign citizen: a valid Foreigner National Registry (RNE) and, for powers of attorney involving financial or matrimonial matters, the Tax Id (CPF) number (presenting the original document is not mandatory);

- if the principal is a foreign legal person, in addition to the documents listed above, a copy of their act of incorporation duly registered with the relevant authority of the country of origin should be submitted, describing the type of partnership, filed with the Brazilian Embassy and translated by sworn translator.

In cases where no power of attorney is required, the foreigner may be represented by a **private power of attorney**.

The signature with the Brazilian Consular Office should suffice for foreigner principals with a valid RNE. For all legal purposes, the foreign principals without a valid RNE should appear in person

before the local notary public for the notarization of their signatures and then provide the legalization of the document in the Brazilian Consular Office.

In Brazil, a private power of attorney may, if required, be registered with a Registry Office of Deeds and Documents. Furthermore, if it is not written in English, it should be translated by a sworn translator in Brazil.

Also, the foreign legal person must submit a copy of its act of incorporation duly registered with the relevant authority of the country of origin, authenticated by the Brazilian Embassy and translated by sworn translator.

At last, the **representation of the foreign legal person in a General Meeting of Creditors**, in bankruptcy proceedings or judicial recovery should be performed by an authorized or legal representative, provided the delivery to the judicial administrator, up to 24 (twenty-four) hours prior to the completion document, of a suitable document that sets out the powers or a reference to the page of the court records where the document can be found.

For more information, visit the Consular Portal of the Federal Government:

<http://www.portalconsular.mre.gov.br/outros-servicos/procuracoes>