

Challenges for a Criminal Law Office - A Brazilian Criminal Lawyer View

DELMANTO CRIMINAL LAWYER OFFICE, located in the city of São Paulo, was founded in 1937 by DANTE DELMANTO, a son of Italian immigrants who became the most famous criminal jury lawyer in Brazil for decades. Since then, our law firm has been continued by his sons CELSO (who passed on in 1989) and ROBERTO, and his grandsons ROBERTO, JR and FABIO.

During almost 80 years of tradition, our firm testified several changes in the Brazilian society. From the political point of view, we experienced two dictatorships, the Getulio Vargas' regime, from 1937 to 1945, and the military one, from 1964 up to 1985 when democracy came. From the economic angle, with ups and downs, in the beginning Brazil basically exported commodities like coffee beans and rubber; then the industrialisation came with automotive industries and others; more recently, our economy experienced a boom, going back to commodities export such as iron and soy beans and, at the same time, with the increase of a strong internal market, from civil construction, oil exploitation, airplane companies increase, etc.

From the monetary aspect, Brazil became an international creditor with a relatively strong currency. From the social view, Brazil still has a huge social gap, with a tremendous housing issue with millions of people living in slums, a very weak public educational system and a chaotic public health system. Moreover, in the large cities, traffic is chaotic and people lose an average four hours a day commuting to work, causing distress and increasing public health problems such as obesity.

Drugs, guns, human trafficking and violent crimes are a serious problem. At the same time, recently (in the last 15 years) our country experienced a tremendous globalisation impact once several companies and banks, traditionally owned by Brazilian entrepreneurs, were bought by international investment funds and significant foreign companies.

Following all this, DELMANTO LAWYER OFFICE manages to keep up tradition with innovation, pointing out some important aspects, which enhances client satisfaction and success in our cases:

- Honouring our 80 years of law practice, we are fully compromised with international standards of compliance;
- Comparing criminal law practice with a "heart surgery", the client must have eye-to-eye contact with his lawyer, feeling trust and confidence with a specialist. That is why we intentionally avoided to become a "corporate style" law firm;
- The partners and associates are extremely specialised in the criminal law practice, like artisans. To become an associate, a lawyer of our firm spends years of direct training by

one of the partners;

- The partners Roberto Delmanto, Roberto Delmanto, Jr and Fabio Delmanto are co-authors of several books. One of these books deserve a special mention: *Commentaries on the Penal Code*, which is in its eighth edition (Saraiva, 2010) and, in the last 25 years, sold more than 500.000 volumes among law students, judges, public prosecutors, lawyers and police authorities. It is common to see on a judge's desk one edition of "our Penal Code", which make us very proud and, at the same time, more and more responsible to keep a very high standard in every defence we make;
- Being updated with all the transformation of our society, we noticed a huge transformation regarding international companies which face **white collar crime, ecological crime and tax crime charges**. That is why, based in our expertise in those areas obtained after years of practice in every Brazilian Court, we wrote a **specific book** in which the laws regarding those crimes are commented with updated jurisprudence: *Special Criminal Laws Commented* (2° edition, Saraiva, 2014).

Talking about trends, we notice several changes in the Brazilian Criminal Justice System.

One of them is corruption, financial crimes and money laundry combat. Adopting international standards of crime investigation, like the PALERMO CONVENTION, Brazil is facing a huge transformation improving punishment in this area. It is one scandal after another involving politicians, public servants and private companies.

This increase on the law enforcement is possible due to several procedural criminal law modifications held in the last 15 years, which granted a lot of power (maybe too much) to the authorities to investigate: telephone and email monitoring, surveys, infiltration of police agents in criminal organisations, etc.

Another trend regards mass media coverage of criminal cases. It is a new trend now that Brazil has total freedom of press, as a democracy. From a law firm's perspective, this phenomenon requires a very good capability of interaction with reporters – and this is one issue very well handled by DELMANTO CRIMINAL LAWYER OFFICE, which is today renowned for being one of the most ethical practising law firms in Brazil.



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