

FREQUENTLY ASKED QUESTIONS

Table of Contents (*Sumário*)

1. Table of Contents	02
2. The Court	03
3. Procedural Research)	05
4. Presenting a petition	11
5. Homologation of Foreign Judgment	17
6. Letter Rogatory – Letter of Request	25
7. Procedural Fees	29

THE COURT



The Superior Court of Justice (STJ), created by the Constitution of 1988, is responsible for the interpretation of federal law in Brazil, following the constitutional principles, the assurance and the defense of the rule of law.

It is the last Judicial instance for non-constitutional cases and has the attribution to converge the jurisprudence. The Court also considers causes from all around the country in all aspects from non-specialized Courts.

The article 105 of the Constitution establishes the STJ's competence and regulates which cases starts at the STJ (initial process) and on which cases the STJ acts only as a reviewing Court, including the judgment of special appeals.

The STJ has also attribution to judge crimes committed by the governors of Brazilian states or the Federal District, crimes committed by judges from courts of justices, by counselors from courts of auditors, members of each one of the 5 regional federal courts and members of the electoral and labor courts.

The Court also decides habeas corpus involving these authorities or state ministers, likewise decides the appeals of habeas corpus granted or denied by federal or regional courts of the states, and the cases decided in those instances when there is federal law involved.

In 2005, as a part of the Judicial reform, the STJ began to have jurisdiction to review the grant of letters rogatory and the homologation of foreign judgments. Until then, such requests used to be considered at the Supreme Federal Court (STF).

PROCEDURAL RESEARCH

- 01) What is a legal case search?
- 02) How can I search a legal case?
- 03) How to find only legal cases which are still in progress?
- 04) How to find only electronic legal cases?
- 05) I can't find a legal case by the petitioner's name. What should I do?
- 06) My name is wrong in the legal case. How can I fix it?
- 07) How to seek information about a legal case which was registered but still not filed?
- 08) The case was to be tried, but there has been no judgment yet.
- 09) How to make a detailed search in the STJ?

Answers

1) What is a legal case search?

It is a service which allows the on-line monitoring of all phases of the legal case, including the full text of published decisions, in order to bring transparency to the judicial activity and to the proceedings history of the cases submitted to the Judiciary.

In the year 2009, 93 million researches were made in the STJ's webpage, which demonstrates the importance and essentiality of this service.

2) How can I do a procedural research?

To search, enter in the Court's website (www.stj.jus.br), click in "Consultas", "Processos" and then choose one of the spaces that are displayed on the screen:

- **Case Number in STJ:** (example: SE 1234)
- **Register Number in the STJ:** (example: 2007/0249585-9)
- **Petitioner's Name:** (example: James Paul McCartney)
- **Number from the court of origin:** (example: 200702495859)
- **Lawyer's Name:** (example: Thomas Moore)
- **Lawyer's Bar Association Number:** (example: SP 123456)
- **Case Unique Number (NUP):** (example: XXXXXXXX-XX-XXXX.X.XX.XXXX)

Attention: In your search, do not use symbols: "/" "." or "-"

In case of problems with Internet connections or browser incompatibility, you can contact the Court's Information Section by e-mail: informacao.processual@stj.jus.br or telephone: +55 61 3319-8410.

3) How to find only legal cases which are still in progress?

In the Court's website, (www.stj.jus.br), click on "Consultas", "Processos" and then "Pesquisa Avançada". Mark the option: "Na pesquisa acima, mostrar somente os processos ATIVOS".

4) How to find only electronic legal cases?

In the Court's website, (www.stj.jus.br), click on "Consultas", then on "Processos" and mark the option "Exibir somente processos eletrônicos".

5) I can't find a legal case by the petitioner's name. What should I do?

It is possible that your legal case is in another Court. So you will need to contact this court and find the number of the case transfer note (*guia de remessa dos autos*) in order to monitor its delivery in the STJ. The delay of the delivery service can happen due the large volume of cases at the courts. The monitoring can be done by the searching system on the STJ's website (www.stj.jus.br) by clicking on "consultas" and then on "processos". It can be one of the four hypotheses below:

- **Cases in secrecy of justice**

You will not find a case which is in secrecy of justice performing a research by the petitioner's name. The secrecy of justice happens when the public interest demands or in cases about marriage, parenthood, divorce (Constitutional Amendment n. 66 and article 226, §6, of the Constitution), alimonies and guardianship (article 155, I and II, of the Civil Procedure Code). According to article 234-B of the Law 12.015/09, the secrecy of justice is also determined for sexual crimes. These cases can only be accessed using the registration number from court of origin or the registration number in the STJ (Instruction 02/10 of the STJ).

- **Closed case**

Click on "*Pesquisa Avançada*" (advanced research) and then check if the option "*mostrar somente processos ativos*" (show only legal cases in progress) is activated. This box must be unmarked to perform your search.

- **Cases with several petitioners**

In this case, the system will register only ONE NAME followed by the expression "e outros" (*and others*), for example: "William Shakespeare e outros". To find the case, it will be necessary to know the name of the leading petitioner.

- **Wrong registration of the petitioner's name**

Normally it happens when the petitioner has foreign or difficult names to pronounce or write in Portuguese. It can also happen when the petitioner is a society with many legal denominations. In the case of mistakes in the registration before the distribution to the Minister (Judge), you may request a rectification to the section where the legal case is currently located. After the distribution, if the case is at the Minister's Office, you may contact his Judging Section and request the rectification.

6) My name was incorrectly written in the legal case. How can I fix it?

In case of mistakes in the registration before the distribution to the Minister (Judge), you may request the rectification of the register, in person or by telephone, to the section where the case is currently located. After the distribution, if the case is at the Minister's Office, you may contact his Judging Section and request the rectification.

7) How to seek information about a legal case which was registered but still not filed?

In this case, the legal case still does not have a number in the STJ, but you can make a search by "Name", "Register Number in the STJ", "Original Number" or "Lawyer's Bar Association Number".

8) The process was to be tried, but there is no judgment yet.

Normally, the decision is available in the STJ's website on the same day or even on the following day. However, if the decision has been changed by other Minister (Judge) during the trial, it is possible that there is no final decision yet. In this case, the trial will happen on the next Court's session. This information does not appear in the system, so you should monitor the legal case searching in the STJ's website.

9) How may I do a detailed search in the STJ?

Make a request to the Court's Information Section by e-mail: informacao.processual@stj.jus.br or by telephone: +55 61 3319-8410.

PRESENTING A PETITION

- 01) What is the STJ's opening hours?
 - 02) What changes during the judicial recess and the minister's vacation period?
 - 03) At what time does the distribution of the legal cases happens in the STJ?
 - 04) May I present a petition to the STJ in another Court of Brazil?
 - 05) I can not go to Brasilia. How may I present a petition?
 - 06) May I present a petition by e-mail?
 - 07) How may I present a petition by post?
 - 08) The postal service is on strike. What may I do?
 - 09) How may I present a petition by fax?
 - 10) To what address should I send the original documents of the petition transmitted by fax?
 - 11) Do I need to transmit by fax the documents which are attached to my petition?
 - 12) What should I do after transmitting the petition by fax?
 - 13) What should I do if the expiration date happens on a non-workday at Court?
 - 14) Problems in the fax transmission. What should I do?
 - 15) How may I present a petition using the electronic petitioning service?
-

Answers

1) What is the STJ's opening hours?

The Court is open Monday to Friday from 07:00 to 19:00.

On Saturdays, Sundays and during holidays the Court will be on duty to attend the urgent cases detailed in Resolution 05/2011. The petitions will be electronically forwarded and received by the Judicial Department which will be open from 09:00 to 18:00 in those days.

2) What changes during the judicial recess and the minister's vacation period?

During the Judiciary recess and minister's vacations, the President of the STJ or his deputy, decides preliminary requests in writ of mandamus, provisory liberty or suspension of custody warrant, habeas corpus, suspension of advanced tutelage request and other urgency measures (art. 83, § 1, STJ's Rules of Procedure).

3) At what time does the distribution of the legal cases happens in the STJ?

The distribution happens on weekdays, on the following time: 09:00 – 11:00 – 13:00 – 15:00 – 17:00 – 18:00 – 19:00.

4) May I present a petition to the STJ in other Court of Brazil?

No, you may not. The Court does not have a receiving petitions service installed at other Courts. You must choose one of the legal ways and present your petition directly to the STJ. On May 21, 2008, the STJ's Special Court changed its jurisprudence modifying Stare Decisis ("Sumula") no. 256, which used to prevent the impossibility to create a receive petitioning service in other Courts (Process number: AG 792846/SP). However there is still no rule about it, the Court only removed the obstacle to create a new procedure.

5) I cannot go to Brasilia. Can I present a petition from afar?

Yes, you can. It is not necessary to come to Brasilia just to present a petition at the STJ. You can also do it: a) by post, b) by fax or c) by electronic petition.

6) May I present a petition by e-mail?

No, the Court does not receive petitions by e-mail (STJ's Informatives 199 and 330).

7) How can I present a petition by post?

You can present a petition by post through any official post office. You can also use other companies like "Tam Cargo", "Varig Log", "Avianca Cargo" and "Gollog". The petition should be addressed to the STJ at the following address: **Superior Tribunal de Justiça**, SAFS Quadra 6 Lote 1 Trecho 3, CEP 70095-900 Brasília-DF.

To receive a copy of the petition with a protocol code, put inside your letter another sealed envelope addressed to you. The Court will register your petition and send you back the copy with its corresponding protocol code.

ATTENTION! If the petition has to be presented in a limited period, such as the court appeals, the presentation moment will be determined by the registry at the STJ's Protocol Department, and not by posting date at the post office (Stare Decisis ["Sumula"] no. 216/STJ).

8) The postal service is on strike. What may I do?

The postal strike does not prevent petitioning by post. The petition can also be sent by private companies such as Tam, Gol, Ocean Air or Varig, which provide the same cargo delivery service. These companies demand the CNPJ number of the STJ which is 00.488.478/0001-02.

9) How may I present a petition by fax?

There are 4 steps to follow:

a) Transmission of the petition

- Initial Petitions: +55 61 3319-8625
- Incidental Petitions: +55 61 3319-8700

b) Confirmation of receiving of fax

- Initial Petitions: +55 61 3319-8862
- Incidental Petitions: +55 61 3319-8410

c) Monitoring on STJ's website: www.stj.jus.br – "consultas" – "processos"

d) Sending the original documents (directly or by post) within 5 days after the end of the appellate period. (Informative 344/STJ).

ATTENTION!

The five-day deadline is determined according to the registry at the STJ's Protocol Department, and not according to the posting date at the post office (Stare Decisis 216/STJ).

10) To what address should I send the original documents of the petition transmitted by fax?

Superior Tribunal de Justiça, SAFS Quadra 6 Lote 1 Trecho 3, CEP 70095-900 Brasília-DF.

11) Do I need to transmit by fax all the documents which are attached in my petition?

This is a controversial issue because the Superior Court of Justice (STJ) diverges from the understanding of the Supreme Federal Court (STF):

- **According to STJ:** It is **NOT NECESSARY** the transmission of all documents by fax. The lawyer only have to indicate the documents that will be part of the petition and send them later by post within 5 days after the end of the appellate period. (Informative 356/STJ)
- **According to STF:** It is **NECESSARY** the transmission of all documents by fax. The lawyer will have to transmit all the documents that will be part of the petition and send them later by post within 5 days after the end of the appellate period. (AI 726.041 AgR/SP; AI 731.465 ED/SP)

12) What should I do after transmitting the petition by fax?

After transmitting the petition by fax, it is necessary to send the same petition by post to the Court with all the documents. The Law establishes that the petition and the documents must be received by the STJ's Protocol Department within 5 days after the end of the appellate period. The period is continuous and is not suspended on Saturdays, Sundays and on holidays (Informative 344/STJ).

13) What should I do if the expiration date happens on a non-workday at Court?

In this case, according to the article 184, paragraph 1º, of the Civil Procedure Code, the last day of the term is automatically extended to the next first working day (Informative 262/STJ).

14) Problems in the fax transmission. What should I do?

According to the article 4º of the Law 9.800/99, the petitioner is responsible for the integrity of the document transmitted by fax.

15) How may I present a petition using the electronic petitioning service?

The petitioner must have a digital certificate, be subscribed to the STJ's system and have his computer configured with the necessary programs. The service works 24 hours per day and allows an electronic dispatch of initial and incidental petitions. The monitoring of the case can be done online by the user. For more information, search for the topic "**Electronic Petition**" on the Court's website.

HOMOLOGATION OF FOREIGN JUDGMENT

- 01) What is an “Homologation of Foreign Judgment” case?
- 02) Which documents do I need to homologate in Brazil?
- 03) Which law rules the procedure of homologation of foreign judgment?
- 04) Do I need a lawyer to present a petition of homologation? How can I know if the price charged by the lawyer is not exorbitant, according to the fees table recommended by the Brazilian Council of Lawyers?
- 05) Who will decide the process of homologation?
- 06) How do I request to Brazil the recognition of a foreign judgment?
- 07) Which requirements are indispensable for the homologation?
- 08) How to hire a sworn translator in Brazil?
- 09) Is it necessary to pay any procedural fee?
- 10) Is it necessary to pay any value to transport the case from one Court to another?
- 11) How long does this process takes?
- 12) The foreign judgment was homologated. And now, what to do?
- 13) What is a “Sentence Letter”?
- 14) Do I have to pay any fee to get the “Sentence Letter”?
- 15) Where is the “Coordination of Judicial Execution”?
- 16) How can I pay the fee to get the “Sentence Letter”?
- 17) What to do with the “Sentence Letter”?

Answers

- 1) What is an “Homologation of Foreign Judgment” case?**
It is the necessary judicial process to recognize foreign judgments and concede legal effectiveness in Brazil.
- 2) Which documents do I need to homologate in Brazil?**
Any act, including non-judicial acts, which, according to the Brazilian law, would have sentence effect (article 4º, §1º, of STJ’s Resolution 09/2005).
- 3) Which law rules the procedure of homologation of foreign judgment?**
The Constitutional Amendment 45 from December 30th 2004, modified the articles 102 and 105 of the Brazilian Constitution, transferring to the Superior Court of Justice (STJ) the jurisdiction for “homologation of foreign judgments”. In order to accommodate the new sphere of competence attributed to it, the Presidency of the Superior Court of Justice passed on May 4th 2005, *ad referendum* to the plenary of the Court, the STJ’s Resolution 09/2005 which regulates in transitional character the processing of rogatory letters and the homologation of foreign judgments.
- 4) Do I need a lawyer to present a petition of homologation? How can I know if the price charged by the lawyer is not exorbitant, according to the fees table recommended by the Brazilian Council of Lawyers (OAB)?**

Yes, you need a lawyer. The procedure of homologation of foreign judgments, as any judicial case, needs the assistance of a lawyer with legal license in the Federal Council of Lawyers (OAB).

If you do not have a lawyer yet, you will need to hire one. Because of legal impediments, this Court cannot help you choosing a lawyer, however you can choose one by searching in the Web and checking the legal license of this lawyer in the website of the Federal Council of Lawyers (Ordem dos Advogados do Brasil - OAB).

To check if the lawyer you chose has legal license in the OAB, enter the website www.oab.org.br, click on “*Cadastro Nacional*” at the top right-hand corner of OAB’s homepage and check out the information about the lawyer you wish to hire. The result of the search should be “situação regular” (regular situation).

5) Who will decide the homologation case?

Until 2004, this process belonged to the Supreme Federal Court’s jurisdiction. The 45th Constitutional Amendment approved on that year, transferred to the Superior Court of Justice (STJ) the jurisdiction of the “homologation of foreign judgment” and the exequatur of “letters rogatory”.

Nowadays, it is the attribution of STJ’s President to homologate the foreign judgments and to concede exequatur to Letters Rogatory. However, if any contestation is presented, the process will be distributed to one of the Ministers (judges) of the Court. They will make a prior analysis and then, submit it to decision of the Special Court (articles 2 and 9 of the Resolution 09/2005 of STJ).

6) How do I request to Brazil the recognition of a foreign judgment?

The procedure to homologate a foreign judgment follows the STJ’s Resolution 09/2005. It must be required by a lawyer in the petition format to the Superior Court of Justice (STJ). See how to do it in the topic: “*Presenting a petition*”.

7) Which requirements are indispensable for the homologation?

- had been pronounced by a proficient foreign authority;
- had happened a valid intimation or had been confirmed the occurrence of contumacy;
- had happened a final decision; and
- had been authenticated by a Brazilian consul with the translation made by an official sworn translator in Brazil. Any document presented in a judicial case must be translated to Portuguese. To do this, you will need an official translation made by a sworn translator in Brazil.

8) How to hire in Brazil a sworn translator?

Sworn translators can be found in a board of trade (*Junta Comercial*) of any Brazilian state or the Federal District (Distrito Federal). Boards of trades are listed in the website of the “Ministry of Development, Industry and Foreign Trade”: <http://www.dnrc.gov.br>. Choose a state of Brazil, in the place where is written “Juntas Comerciais” and choose the translator you want by searching for the words in Portuguese: “tradutores” or “tradutor”.

9) Is it necessary to pay any fee in this case?

Yes, it is. The judicial fee can be found in the Courts homepage, clicking on “*Sala de Serviços Judiciais*” and then in “*Tabela de Custas dos Feitos do STJ*”. To know the value, search the line “*Homologação de Sentença Estrangeira*”.

10) Is it necessary to pay any fee value to transport the case from one Court to another?

No, because the “Homologation of Foreign Judgment” is a case that begins in the Superior Court of Justice. Only the judicial fee will be charged.

11) How long does the “Homologation of Foreign Judgment” takes?

If every necessary requirement is ok, and no contestation has been presented, the whole process takes about 3 months. The final decision will be homologating or not-homologating the foreign judgment. If homologated, according to the article 12 of STJ’s Resolution 09/2005, the lawyer will have to proceed the enforcement by extracting the “Sentence Letter” (Carta de Sentença). The applicant will be informed of the availability of the Sentence Letter and of the amount to be paid for it.

12) The foreign judgment has been homologated. And now, what should I do?

After the final decision homologating the foreign judgment, the applicant must require the extraction of the "Sentence Letter" (article 12 of STJ's Resolution 09/2005).

13) What is a Sentence Letter?

It is a document issued by the "**Coordination of Judicial Execution**" which is necessary to judicial enforcement of the foreign judgment. It is paying a fee, by a Federal Judge.

14) Do I have to pay any fee to get the "Sentence Letter"?

Yes, you do. The fee value is established in the Article 1, I, of STJ's Ordinance 57/2005:

- First or single page R\$ 2,90
- Each extra page R\$ 0,55.

15) Where is the "Coordination of Judicial Execution"?

On the 3rd floor of the Administration Building.

Phones: +55 61 3319-9150 or +55 61 3319-9151.

16) How can I pay the fee to get the "Sentence Letter"?

- a) Enter the STJ's homepage: www.stj.jus.br;
- b) At the lower left-hand corner, click on "*Sala de Serviços Judiciais*" and then, at the center of the page, "*Guia de Recolhimento da União*";
- c) Chose the option: "*28830-6 - Serviços Administrativos*";
- d) A little window (*pop up*) will appear asking you in Portuguese if you want to show unsafe files. The answer should be "*SIM*" and then click on "*avançar*";
- e) Where is written: "*Número de Referência*", type: **60**;
- f) The boxes "*Competência (mm/aaaa)*" and "*Vencimento (dd/mm/aaaa)*", must be completed with the month and day of payment;
- g) Write the CPF or CNPJ number beside the name of the payer. **Do not forget to indicate the number of the case;**
- h) Fill the boxes "**Valor Principal**" (main value) and "**Valor Total**" (total value) according to the value informed by the Coordination of Judicial Execution;
- i) The other boxes should be empty;
- j) Mark the option "*Emitir GRU*", print and pay this document in a "*Banco do Brasil*" agency.
- k) It is NOT necessary to present a petition to prove the payment;
- l) All the monitoring to get the Sentence Letter can be done by Internet;
- m) The Sentence Letter will be given only by showing the original of the fee document payed;

17) What should I do with the "Sentence Letter"?

The Sentence Letter is necessary to enforce in Brazil a foreign judgment by a Federal Judge. The request of enforcement also needs to be done by a lawyer.

LETTER ROGATORY (*Letter of Request*)

- 01) What is a “letter rogatory”?
- 02) How to enforce a judicial act issued by a Brazilian judicial authority abroad?
- 03) Why to request the *exequatur* of a letter rogatory?
- 04) Which law rules the procedure of *exequatur* of letters rogatory?
- 05) Do I need a lawyer to present a petition requesting *exequatur* to a letter rogatory? How can I know if the price charged by the lawyer is not exorbitant, according to the fees table recommended by the Brazilian Council of Lawyers (OAB)?
- 06) Who will decide the *exequatur* of letters rogatory?
- 07) How do I request to Brazil the *exequatur* of letters rogatory?
- 08) How to hire a sworn translator in Brazil?
- 09) Is it necessary to pay any fee?
- 10) Is it necessary to pay any value to transport the case from one Court to another?
- 11) How long does this case takes?

Answers

1) What is a “letter rogatory”?

The letter rogatory is a legal instrument of cooperation between two countries. It has the purpose to undertake actions and procedural diligences, for example, witness testimony.

There are two kind of letters rogatory: **active** and **passive**. However, only the **PASSIVE** letter is part of the STJ’s jurisdiction. The passive letter rogatory is issued by a foreign authority and refers to an act that must be practiced in Brazil. In such cases, the Court (STJ) decides to allow or not the enforcement of the foreign act. If conceded, the Court would order the “*exequatur*”.

The letter rogatory will receive the procedural class “CR” and, if granted the order of *exequatur*, the Court will send it to a Brazilian Federal Court where the diligence will be enforced.

2) How to enforce a judicial act issued by a Brazilian judicial authority abroad?

Active letters rogatory are **NOT** enforced by this Court. In this case, the letter rogatory should be presented directly to the Ministry of Justice who shall will remit it to the destination country.

For further information, contact the Department of Recovery of Actives and International Legal Cooperation of the Ministry of Justice located at: SCN Quadra 6, Bloco A, Ed.Venâncio 3.000, 2º andar, Brasília-DF - CEP 70716-900. Tel: +55 61 2025-8934 Fax: +55 61 2025-8915.

3) Why to request the *exequatur* of a letter rogatory?

Any act, including non-judicial acts, which, according to the Brazilian law, would have the effect of a judicial sentence (article 4º, §1º, of STJ’s Resolution 09/2005).

4) Which law rules the procedure of *exequatur* of letters rogatory?

The 45th Constitutional Amendment modified the articles 102 and 105 of the Brazilian Constitution, transferring to the Superior Court of Justice (STJ) the jurisdiction to concede *exequatur* to letters rogatory.

In order to accommodate the new sphere of competence attributed to it, the Presidency of the Superior Justice Court passed on May 4th 2005, *ad referendum* to the plenary of the Court, the STJ’s Resolution 09/2005 which regulates in transitional character the processing of letters rogatory and the homologation of foreign judgments.

5) Do I need a lawyer to present a petition requesting *exequatur* to a letter rogatory? How can I know if the price charged by the lawyer isn't exorbitant, according to the fees table recommended by the Brazilian Council of Lawyers (OAB)?

Yes, you need a lawyer. The procedure of *exequatur* of letters rogatory, as any judicial case, needs the assistance of a lawyer with legal license in the Federal Council of Lawyers (OAB).

If you don't have a lawyer yet, you will need to hire one. Because of legal impediments, this Court cannot help you choosing a lawyer, however you can choose one by searching the Web and checking the legal license of this lawyer in the website of the Federal Council of Lawyers (Ordem dos Advogados do Brasil - OAB).

To check if the lawyer you chose has legal license in the Brazilian Council of Lawyers (OAB), enter the website www.oab.org.br, click on "*Cadastro Nacional*" at the top right-hand corner and check out the information about the lawyer you are going to hire. The result of the search should be "*situação regular*" (regular registration).

6) Who will decide the *exequatur* of letters rogatory case?

Until 2004, this process belonged to the Supreme Federal Court's jurisdiction. The 45th Constitutional Amendment approved on that year, transferred to the Superior Court of Justice (STJ) the jurisdiction of the "homologation of foreign judgment" and the *exequatur* of "letters rogatory".

Nowadays, it is the attribution of STJ's President to homologate foreign judgments and to concede *exequatur* to Letters Rogatory. However, if any contestation is presented, the case will be distributed to one of the Ministers (judges) of the Court. They will make a prior analysis and then, submit it to the decision of the Special Court (articles 2 and 9 of STJ's Resolution 09/2005).

7) How do I request to Brazil the *exequatur* of letters rogatory?

The proceedings of the letters rogatory process follows STJ's Resolution 09/2005. It must be required by a lawyer in the petition format to the Superior Court of Justice (STJ). See how to do it in the topic: "*Presenting a petition*".

8) Do I need to translate the letter to Portuguese?

Any document presented in a judicial case must be translated to Portuguese. To do this, you will need an official translation made by a sworn translator in Brazil. Sworn translators can be found in a board of trade (*junta comercial*) of any Brazilian state or the Federal District (Distrito Federal). Boards of trades are listed in the website of the "Ministry of Development, Industry and Foreign Trade": <http://www.dnrc.gov.br>. Choose a state of Brazil, in the place where is written "Juntas Comerciais" and choose the translator you want by searching for the words in Portuguese: "tradutores" or "tradutor".

9) Is it necessary to pay any fee?

No, it is not necessary. The STJ only concedes the *exequatur* to letters rogatory, though other courts may charge to enforce some diligences.

10) Is it necessary to pay any value to transport the case from one Court to another?

No, because the *exequatur* of letters rogatory is a case that begins in the Superior Court of Justice. It is not necessary to pay any fee.

11) How long does the *exequatur* of letters rogatory takes?

If every necessary requirement is ok, and no contestation has been presented, the whole process takes about 3 months.

PROCEDURAL FEES

- 01) What is a procedural fee?
- 02) When should I pay procedural fees?
- 03) How may I know the value of the procedural fees?
- 04) Which rule regulates in the Court the payment of the procedural fees and the postage costs?
- 05) How much do I need to pay as procedural fee to present a petition requesting “**Homologation of Foreign Judgment**” in Brazil?
- 06) How much do I need to pay to present a petition of “**Letter Rogatory**” (Letter of Request) in Brazil?
- 07) How may I prove the fee payment in a petition presented by post?
- 08) How may I prove the fee payment in a petition presented by fax or eletronic petition?
- 09) How may I request for free legal assistance in the Court?
- 10) Will I receive any refund of the procedural fees in case of abandonment of suits, withdrawal of charge or judicial deal?

Answers

- 1) **What is a procedural fee?**
A procedural fee is a value paid for trying cases at Court. It is necessary to cover the costs of the jurisdictional service.
- 2) **When should I pay the procedural fee?**
The procedural fees shall be paid whenever the petitioner presents a petition or an appeal at Court.
- 3) **How may I know the value of the procedural fee?**
The value of the procedural fee is Schedule “A” of STJ’s Resolution 25/2012.
- 4) **Which rule regulates in the Court the payment of the procedural fees and the postage costs?**
 - Law n. 11.636/07
 - STJ’s Resolution 25/2012
- 5) **How much do I need to pay to present a petition requesting “**Homologation of Foreign Judgment**” in Brazil?**
According to STJ’s Resolution 25/2012, the value of the procedural fee is R\$ 124.59.
- 6) **How much do I need to pay to present a petition of “**Letter Rogatory**” in Brazil?**
It is not necessary to pay any fee in this case. The STJ only concedes the *exequatur* to letters rogatory, though other courts may charge to enforce some diligences.
- 7) **How may I prove the fee payment in a petition presented by post?**
The proof of the fee payment must be submitted with the petition in the same envelope used to send the petition (article 1, § 3 of STJ’s Resolution 25/2012).
- 8) **How may I prove the fee payment in a petition presented by fax or eletronic petition?**
When the petition is transmitted by fax or eletronic petition, the payment proof of the procedural fee must be transmitted with the petition in the same act (art. 1, § 2 of STJ’s Resolution 25/2012).

9) How may I request for free legal assistance in the Court?

The free legal assistance can be required:

- Before the distribution of the cause, to the Court's President;
- After the distribution of the cause, to the Minister (judge) chosen randomly which will be the Minister-Relator in charge to judge your case (article 13 of the Law n. 11.636/07).

10) Will I receive any refund of the procedural fees in case of abandonment of suits, withdrawal of charge or judicial deal?

No, you will not receive any refund in case of abandonment of suits, withdrawal of charge, judicial deal or in any case which may induce the end of the process.