

COURT: Brazilian Public Prosecutors' Office creates working group to improve its participation in bankruptcies

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On 24 February, the National Council of Public Prosecutors' Office (*Conselho Nacional do Ministerio Publico - CNMP*) released Instruction CNMP-PRESI Number 45/2022, which creates a working group tasked with developing a manual of good practices to be adopted by Public Prosecutors when acting in Brazilian bankruptcy proceedings, as well as suggesting proposals to improve the country's bankruptcy law. The document (in Portuguese) is available via the link below:

[Click here for the CNMP Instruction Number 45/2022.](#)

In addition to members of the Public Prosecutors' Offices of the States of Sao Paulo, Rio de Janeiro and Mato Grosso do Sul, the group is also comprised of judges from the Sao Paulo, Rio de Janeiro and Minas Gerais appellate courts, along with certain proficient bankruptcy-specialized attorneys, judicial managers and professors.

Under the oversight of Judge Daniel Carnio Costa, a National Counselor to the Public Prosecutors' Office and president of the working group, the members are expected discuss related matters and present proposals to standardize the participation of Public Prosecutors in Brazilian bankruptcies, providing these processes with more effectiveness and legal certainty. The working group's activities are scheduled to last one year.

In general, Public Prosecutors are not directly involved with or impacted by bankruptcy processes. However, rather than playing an active part in these cases, their legitimacy stems from their role as *custos legis* – in other words, as inspectors of the law and the legality of proceedings. The Brazilian Federal Constitution states that the Public Prosecutors' Office must work as a supervisor of the accomplishment of the law, whenever there are public interests involved in a process.

by Arthur Almeida

Arthur Almeida is a former restructuring attorney. Prior to joining Debtwire as a Legal Analyst, he practiced with Passos & Sticca Advogados Associados, and worked in the legal department of Banco Fibra S.A. Arthur's experience includes participating in major civil litigation on credit recovery, representing creditors such as banks and financial institutions in high-profile restructurings. He also obtained his LL.M in Financial and Capital Markets Law from Insper Instituto de Ensino e

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Pesquisa, and is currently enrolled in the Master's Program in Commercial Law at Universidade de Sao Paulo.

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