WHITE-COLLAR DEFENSE

CLIENT ALERT

APRIL/2020

VIRTUAL HEARINGS IN THE JURISDICTION OF THE STATE COURT OF SÃO PAULO

On April 16, 2020, the State Court of São Paulo issued the bulletin n. 284/2020, in order to guide parties and public employees on conducting videoconference hearings through the *Microsoft Teams* application.

This measure aims to resume the legal proceedings that have stalled due to the hearings pending, in the period during which the restrictions on circulation stemming from the COVID-19 epidemic remain effective.

Virtual hearings may take place at the discretion of the judge in charge for the legal proceeding, upon consent of the involved parties. Once an agreement is reached, the parties shall be summoned to the virtual hearing through either their attorneys or their personal email, with a link being made available for connection. In certain cases, though, given the urgency, the judge may waive the consent of the parties to perform the virtual proceeding, notably when the intended right may fade without a hearing.

In order to ensure the regular operation of the tool, including the audio and video settings thereof, test meetings may be scheduled by the court clerk prior to the hearing. In case of a connection failure during the hearing, the judge shall assess whether the existing conditions enable the continuation of the proceedings. If not, the judge shall order its rescheduling. The recording is automatically saved by the system until the moment of any connection drop, thus the records are preserved in the event of a technical issue.

The first hearing step will be the display of the participants' personal identification documents with photo. If there is more than one party or witness to be heard, the testimony or questioning shall be collected separately, whereas the remaining witnesses wait in the virtual room for their turn to be connected, in as much as the recording will be made in a single file.

This and some other precautions, which are applicable in the face-to-face hearing, were replicated to the virtual hearing: if there is a need to hear victims or witnesses out of sight of the defendant, other virtual hearing shall be scheduled separately for this purpose, being its access restricted to the aforesaid witness and the participants specifically appointed by the judge. With regards to

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For further information, please send a message to **news@veirano.com.br**

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protected witnesses, personal identification must be made in a separate recording, with the sole participation of the judge and the clerk. The video of the protected witness shall be disabled during deposition.

If a sentence is awarded at the hearing, it shall be shared for viewing through the tool, unless if waived by the parties.

The White-Collar Defense Team of Veirano Advogados is fully available for further clarification on the matter.