



**DIFC COURTS' USERS' COMMITTEE
MEETING MINUTES
15 January 2014 at 2pm
DFSA Boardroom, Level 13, DFSA**

Committee Attendees:

Hassan Al Arab, Al Tamimi & Company

Melissa Quai Curie (delegate for Adrian Chadwick) Hadeef & Partners

Kirsten L. O'Connell (delegate for Peter Gray), Gibson Dunn

Paul Neufeld, Fulbright & Jaworski

Antonios.Dimitracopoulos (representative for Imran Shafiq), Bin Shabib & Associates

Sheila Shadmand, Jones Day

Issa Baddour, Governor's Office

Michael Ridgeway, DFSA

Roberta Calarese, DIFCA

Mark Beer, Registrar (non-voting member)

Amna Al Owais, Deputy Registrar (non-voting member)

Cheryl Fernandes, Committee Secretary

Guests:

Natasha Bakirci, Assistant Registrar, DIFC Courts

Fatima Al Numairy, Intern with DIFC Courts

1. **Welcome by Chairman:**

Registrar Mark Beer chaired the meeting and welcomed all attendees.

2. **Caseload 2013:**

- **SCT:** 74 SCT cases filed 2013 compared to 52 in 2012
- **Court of First Instance:** 28 cases filed 2013 compared to 46 in 2012. Though the number of cases filed was 39% less in 2013 than 2012 the average value of each claim was up by USD 2.681 million/claim. Members enquired if one particular case had an exceptionally high claim cause of which the total value of the claim for 2013 was up, to which the Registrar confirmed that the value of all the claims was equally distributed.
It was therefore concluded that the value of cases coming in to DIFC Courts was far more and DIFC Courts were trusted to deal with higher value claims. Discussions about why the Court of First Instance came off last year as compared to 2012 lead to believe that it could be due to the aberration in 2012 and the upturn of economy in 2013.
Mark Beer Registrar also reiterated about the mystery shopping results which show that the people are satisfied with the service provided by the Courts and its accessibility. DIFC Courts are the first commercial Courts to get a TISSE Certificate, which ascertains the highest levels of customer service excellence.
- **Court of Appeal:** 6 CA case filed 2013 compared to 1 in 2012. Out of the 6 cases filed in 2013, 2 cases triggered 4 Court of Appeal cases, where the Defendant is a continuous Appeler.
- **Enforcement:** 13 Enforcement cases filed 2013 compared to 9 in 2012. 100% track record on Enforcement cases.
- **Arbitration cases:** 3 Arbitration cases filed 2013 compared to 4 in 2012

3. **Courts' Activities – Registrar update:**

The Registrar gave an update on the Courts' activities since September 2013:

26 September: General Counsel Forum took place in London, and was attended by Registrar Mark Beer and Deputy Chief Justice Sir John Chadwick. The next forum will be held on 30 March 2014 in Dubai.

8-10 December: DIFC Courts organised and participated in a two day conference – International Association for Court Administration (IACA) in association with Dubai Courts.

A Memorandum of Guidance was signed between the DIFC Courts and the Supreme Court of New South Wales which sets out procedures for mutual enforcement of decisions between the two Courts.

- The DIFC Courts have been approached by a country in Africa to establish an English language commercial court.
- In the last meeting Members requested the DIFC Courts to look for further collaboration with New York Courts (Federal Courts via the State Department). The Registrar informed the CUC Members that the DIFC Courts are currently reaching out to the Courts of State of New York to discuss further collaboration.
- The possibility of signing a Memorandum of Guidance regarding Enforcement with Supreme Court of Victoria, the Federal Courts and the Queensland Courts was discussed as something for DIFC to pursue.
- It was suggested that DIFC Courts should consider a Memorandum of Guidance with the Secretary General of the Gulf Cooperation Council and the Registrar confirmed that a delegation from DIFC Courts was visiting Saudi Arabia and that he would suggest they visit this segment.

New Judges Appointed: Three new Judges Justice Tun Zaki Azmi former Chief Justice of Malaysia, Justice Roger David Giles and H.E Justice Shamlan Al Sawalehi were appointed on 19 November 2013.

The DIFC Courts continue to host delegations 2013

Oct: UAE Ministry of Justice, DTCM office in UK visited DIFC Courts.

Nov: Delegation from Charles University in USA – MBA students.

Dec: IACA delegation visit to the DIFC Courts

HCT Business students visit

Enforcement Department: Registrar announced the launch of the Enforcement section on our website to further enhance the efficiency of court. The Enforcement department will be headed by H.E. Justice Omar Al Muhairi. And a separate email for all ENF enquiries from Dubai or outside of Dubai will use the ENF email for communication: enforcement@difccourts.ae

Pro Bono: Deputy Registrar Amna Al Owais updated the CUC members about the 2014 plans to expand the programme's volunteer appeal to encompass Government and semi-Government Departments.

She also informed that the amended Pro Bono guidelines are also planning to expand the scope to cover the adjudication stage in the SCT so the pro bono firms can help.

The first Pro Bono seminar will be in Feb 2014: seminars would target lawyers to give them an insight about the Courts and pro bono programme mechanics, focus will be on employment, property and immigration issues.

Thomson Reuters Partnership: Deputy Registrar Amna Al Owais also spoke about access to Westlaw Gulf and Westlaw UK provided by TR.

- The members suggested that there should be one contact person in TR office if anyone has problems with logging in, they could guide them.
- Members agreed that training should be conducted at least twice a year on how to use the research tools.
- It was also suggested that TR provide more access to their lectures.
- Deputy Registrar to discuss with TR at the next opportunity.
- Members advised that having a journal published once in three months, with current cases; giving status of the case and at what stage they are would prove beneficial. The journal could also incorporate Practitioners comments.

4. **Upcoming Events Quarter I in 2014:**

Dubai:

- H.E.Judge Ali Al Madhani: The Legal Gathering of Masters at Raffles - lecture on 13 Jan.
- Registrar Mark Beer- speaker: Dubai Forward - 3 & 4 Feb.
- The Hon Mr Justice Cooke: International dispute resolution trends from the perspective of the UK Commercial Courts - 5 Feb.
- Deputy Registrar Amna Al Owais: Pro Bono seminar 12 Feb: focus will be on employment, property and immigration issues.
- H.E.Judge Ali Al Madhani: Court Jessup Moot Court - 13 Feb

London:

- Deputy Chief Justice Sir John Chadwick or Registrar Mark Beer: Access Middle East, 26 February - IOD, London.

5. **Annual Judges' Meeting & Legal Gala Dinner:**

The Legal Gala Dinner will be held in October: Wednesday, 29 October has been proposed by Members, we are yet to finalize a date depending availability of Judges as well.

The Annual Judges' Meeting is to be held around the same time as the Legal Gala Dinner.

A committee has been set up and Sheila Shadmand will chair the committee to help organise the Legal Gala Dinner 2014. We are inviting more volunteers to join this committee to help plan the event in a more exceptional way.

6. **Media coverage:**

The Courts continue to receive good coverage in both Arabic and English newspapers – details of which were provided at the meeting.

7. **Progress of the Rules of the DIFC Court:** Assistant Registrar Natasha Bakirci informed the members that the second round of consultation closed on 12 January 2014 and that she is currently in the process of going through all the

feedback received and making amendments to the Rules accordingly. The revised Rules should be published in February 2014 at the latest.

- 8. Mandatory Code of Conduct:** Natasha also mentioned that a Committee has been formed which comprises of Philip Punwar, Graham Lovett, Alec Emmerson alongside the Chief Justice and herself – who are working on the final version of the Mandatory Code. They are aiming to have this published and in force as soon as possible.

9. Nominations of new CUC members:

Two firms - the longest serving Group 3 (as per the CUC Charter) firm Norton Rose Fulbright stood down and were replaced by Clyde & Co represented by Alec Emmerson. The longest serving Group 2 (as per the CUC Charter) firm Bin Shabib and Associates stood down and is replaced by xxx.

10. Next meeting dates agreed:

Wednesday, 16 April 2014
Thursday, 11 September 2014
Thursday, 12 November 2014
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Meeting closed at 4.10pm