



**DIFC COURTS' USERS' COMMITTEE**

**MEETING MINUTES**

**10 September 2015 at 2pm**

**Dubai Boardroom, Capital Club**

**Committee Attendees:**

Esam Omar Sharaby, Hussain Lootah & Associates

Graham Lovett, Clifford Chance

Hasan Arab, Al Tamimi & Company

Issa Baddour, Governor's Office

Jacques Visser (delegate for Obaid Al Muhairi), DIFCA

Keith Hutchison (delegate for Alec Emmerson), Clyde & Co

Michael Ridgeway, DFSA

Mike Wakefield (delegate for Faridah Sarah), Galadari Advocates and Legal Consultants

Sheila Shadmand, Jones Day

Mark Beer, Registrar DIFC Courts (non-voting member)

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

Cheryl Fernandes, Committee Secretary, DIFC Courts

**Guests:**

David Gallo, Director, DRA Academy of Law

Natasha Bakirci, Assistant Registrar, DIFC Courts

James Lake, DFSA

## **Welcome by Chairman:**

Registrar Mark Beer chaired the meeting and welcomed all attendees.

Registrar Mark Beer introduced the newly appointed Director for the DRA Academy of Law, David Gallo to all the members.

### **1. Approval of the last minutes of meeting**

The minutes of the Courts' Users' Committee meeting held on 27 May 2015 were approved.

**Caseload Statistics:** Registrar Mark Beer provided case statistics, comparing figures for 1 January to 30 September 2015 against the same period in 2014. The first nine months of 2015 witnessed the total value of claims filed with the Courts increase five-fold from AED 1.1 billion to AED 5.3 billion, while the average claim value before the Court of First Instance including Arbitration has gone from AED30.4m to AED301.3m.

The total and average values of cases heard by the Small Claims Tribunal (SCT) have also increased following the extension of its jurisdiction to cover all claims up to AED 500,000 in value, regardless of the nature of the case. The total value of SCT cases heard in the first nine months of 2015 tripled to AED 14.6 million, while the average value increased to AED 82,000. Over 90 percent of the SCT cases are resolved within four weeks of the case commencing, despite the workload.

The caseload data presented was as follows:

- Court of First Instance: 22 CFI cases filed January - September 2015.
- Court of First Instance: 21 CFI cases filed January - September 2014.
  
- Court of Appeal: 5 CA cases filed January - September 2015.
- Court of Appeal: 6 CA cases filed January - September 2014.
  
- Enforcement: 34 Enforcement cases filed January - September 2015.
- Enforcement: 9 Enforcement cases filed January - September 2014.
  
- Arbitration cases: 3 Arbitration cases filed January - September 2015.
- Arbitration cases: 4 Arbitration cases filed January - September 2014.
  
- SCT: 179 SCT cases filed January - September 2015.
- SCT: 63 SCT cases filed January - September 2014.

## 2. Courts' Activities – Deputy Registrar update:

The Deputy Registrar Amna Al Owais gave an update on the Courts' activities, including delegations received by the DIFC Courts since May 2015;

- **Signing of a Memorandum between the DIFC Courts and the Ministry of Justice:** The DIFC Courts have agreed a new streamlined process for the international enforcement of its judgments via the United Arab Emirates Ministry of Justice, providing additional certainty to business. The two organisations signed a memorandum setting out clear procedures and timeliness in instances where DIFC Court judgments involving assets held outside of the country need to be enforced through the Ministry of Justice.
- **DIFC Courts' Third Lecture series of 2015:** This lecture covered the Rules of the DIFC Courts and the Rules of the DIFC Wills and Probate Registry. The lecture was held on June 21, 2015 and was chaired by Chief Justice Michael Hwang. The speakers at the lecture were three as experienced legal practitioners; Diana Hamade Founder of International Advocate Legal Services, Cynthia Trench, Principal of Trench & Associates, Alastair Glover, Principal Associate, Wragge Lawrence Graham & Co LLP and Mihaela Cornelia Moldoveanu, DIFC Wills and Probate Registry, Senior Manager. The lecture went well with over one hundred UAE lawyers and members of the public attended the lecture.
- **Signing Agreement with Support Service Centre:** The Support Services Centre of the Department of Finance – Government of Dubai (SSC) signed a service level agreement with DIFC Courts to provide back office services. This agreement will reflect positively on streamlining the operations and services provided Court users. The Deputy Registrar emphasised the importance of on-going support and continuous collaboration with SSC, highlighting that the objective of the agreement is to strengthen the cooperation between the two organisations.
- **Hon'ble Mr. Justice T.S.Thakur Judge of the Supreme Court of India:** DIFC Courts welcomed Mr. Justice T.S. Thakur Judge of the Supreme Court of India. Registrar Mark Beer and Deputy Registrar Amna Al Owais briefed Mr. Justice T.S. Thakur about the DIFC Courts.
- **United States ambassador to the UAE, Barbara Leaf:** The DIFC Courts were honoured to give the new United States ambassador to the UAE, Barbara Leaf a tour of their facilities.
- **H.E. Tarish Al Mansouri, Director General of Dubai Courts** visited the DIFC Courts and was met by Chief Justice Michael Hwang and discussed areas of mutual collaborations.

- **DIFC DRA Academy of Law signed Memorandum with the East China University of Political Science & Law (ECUPL):** The Deputy Registrar Amna Al Owais informed the members that the DIFC Dispute Resolution Authority Academy of Law has signed its first international cooperation agreement to strengthen legal ties with Dubai's number one trading partner China. The East China University (ECUPL) is one of the few universities in China to specialise in law and under the terms of the Memorandum the two organisations will share research, exchange faculty members and students, host joint events, and work to deepen ties between the legal communities in the UAE and China. ECUPL students will also be able to undertake internships at Dispute Resolution Authority bodies, including the DIFC Courts.
- **DIFC Courts signed a consultancy agreement with National Bank of Kazakhstan:** The DIFC Courts have been chosen by Kazakhstan's Central Bank to advise on establishing a world class commercial court system, including an arbitration center, at the planned Astana International Financial Centre. The DIFC Courts signed a consultancy agreement with the National Bank of Kazakhstan in Astana during a signing ceremony attended by the Chief Justice Michael Hwang and the Registrar Mark Beer, DIFC Courts. The agreement covers areas as diverse as consultancy on the legislative and regulatory framework, training of staff, fit out of chosen premises and IT systems.
- **DIFC Courts welcomed 16 Yr. 9 students from Deira International School;** they were addressed by Senior Case Progression Officer, Lema Hatim.
- **CBL student's delegation** visited the DIFC Court and was addressed by Assistant Registrar, Natasha Bakirci.
- **Senior Partner, Peter Pender-Cudlip in GPW** visited the DIFC Courts and was addressed by Deputy Registrar, Amna Al Owais.
- **Representatives from the GIFT City (DIFC style financial centre in India)** visited the DIFC Courts and were addressed by Assistant Registrar, Natasha Bakirci.

3. **Conference Representation: DIFC Courts participated at conferences both in UAE and overseas:**

- Assistant Registrar of the DIFC Courts, Natasha Bakirci spoke at "Legal Forum Dispute Resolution forum in the Middle East" which took place on the 10 June, 2015.
- Chief Justice Michael Hwang spoke at a conference "The Constitution; Unity of the people, stability and prosperity" in Astana on 28 August, 2015. Registrar, Mark Beer and Assistant Registrar, Natasha Bakirci also attend this event.

- Maritime Advisory Council, May 2015: Assistant Registrar Natasha Bakirci attended the Maritime Advisory Council. Registrar Mark Beer has been appointed to the Council.

4. **Media Coverage:**

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

5. **Collaboration:** DIFC Courts are continuously working on collaborating with various governments departments in the UAE and courts internationally. Registrar Mark Beer provided updates on some of the Memoranda that were signed during this period:

- Memorandum of Understanding between the Dispute Resolution Authority (DRA) and Dubai Investment Development Agency (DIDA) - September, 2015.
- Memorandum of Understanding between the DIFC Courts and Abu Dhabi Judicial Department – in progress.
- Memorandum of Understanding between the DRA Academy of Law and the University of Dubai – September, 2015.
- Memorandum of Understanding between the DRA and the Dubai Multi Commodities Centre - September, 2015.
- Memorandum of Understanding between the DRA and the Dubai Land Department - September, 2015.
- Registrar Mark Beer also informed members about the possible signing of a Memorandum of Guidance between the DIFC Courts and the Shanghai People's High Court (SPHC); and
- A Memorandum with India and Korea.

Some members suggested that the DIFC Courts should try and connect with Frankfurt Courts.

Members advised that DIFC Courts should circulate a signed copy of an enforcement memorandum to all registered practitioners.

6. **Annual Judge Meeting, 2015:**

Registrar Mark Beer informed members of the DIFC Courts Annual Judges meeting, scheduled in October 2015. Members were asked if they would like any matters to be addressed at the meeting and the requirement of social activities while the judges were in Dubai. Members recommended that the DIFC Courts

host a practitioners evening that would provide practitioners time to interact with the judges of the Courts.

7. **Practice Directions and Registrar Directions:** Assistant Registrar Natasha Bakirci gave updates on the Practice Directions and Registrar Directions issued since May 2015 which are listed below and updated on the DIFC Courts' website on the day these are issued;

**Practice Directions:**

- Amended PD No. 4 on DIFC Courts Fees, 9 August 2015;
- PD on the length of Skeleton arguments (draft);
- PD on the issue of the Court's data retention/court record policy. It was agreed that this was an internal matter and not something to be a PD.

**Registrar's Directions:**

- RD No. 1 of 2015 – Publicly accessible register of claims;
- RD No. 2 of 2015 – Indicative Hourly Legal Charges;
- RD No. 3 of 2015 – DIFC Courts' Fee Schedule Clarification.

8. **Gala Dinner 2015:**

Sheila Shadmand, Chair of the Annual Legal Gala Dinner Committee provided updates for the Gala dinner, 2015. She encouraged members to invite their clients to be part of this event which takes place on Thursday October 29, 2015 at the Madinat Jumeirah's Johara Ballroom in Dubai. The dinner is expected to attract over 700 members of Dubai's local and international legal community for an evening of awards and entertainment.

**Next meeting date agreed:**

Thursday, 26 November 2015

Meeting closed at 3.30pm