



**DIFC COURTS' USERS' COMMITTEE
MEETING MINUTES
12 February 2015 at 2pm
Meeting Room 6, DFSA, Level 13 DIFC**

Committee Attendees:

Adrian Chadwick, Hedef & Partners

Alec Emmerson, Clyde & Co

James Lake, DFSA

Obaid Al Muhairi, DIFCA

Nooree Moola (delegate for Peter Gray), Gibson Dunn

Michael Ridgeway, DFSA

Faridah Sarah, Galadari Advocates and Legal Consultants

Sheila Shadmand, Jones Day

Tarek Shrayh (delegate for Hasan Arab), Al Tamimi & Company

Mark Beer, Registrar (non-voting member)

Amna Alowais, Deputy Registrar (non-voting member)

Cheryl Fernandes, Committee Secretary

Guests:

Reem Al Shihhe, Chief Operating Officer, DIFC Courts

Mihaela Moldoveanu, Project Manager, DIFC Courts

Natasha Bakirci, Assistant Registrar, DIFC Courts

Trevor Pegley, Visionhall

Apologies:

Issa Baddour, Governor's Office

1. Welcome by Chairman:

Registrar Mark Beer chaired the meeting and welcomed all attendees

2. Approval of the last minutes of meeting

The minutes of the Courts' Users' Committee meeting held on 11 December 2014 were approved

3. Business Visit Visas for Visiting Counsel:

Reem Al Shihhe, Chief Operating Officer at the DIFC Courts gave an update on the new Business Visit Visa services that DIFC Courts will be offering as of 1 February 2015 for lawyers based outside UAE. She updated the members with the types of visas, duration, eligibility and the fees for processing the business visas through the DIFC Courts.

Some members enquired if this service was a requirement for all visiting counsel to which Reem Al Shihhe replied that it is an optional service provided by the DIFC Courts and that we received the first application in the 1st week of February 2015. Lawyers are encouraged to make use of this service.

As part of the application process an applicant is required to demonstrate that he or she is registered with the DIFC Courts. Members suggested that the DIFC Courts should be able to check internally if a practitioner is registered instead of requesting the applicant to send a proof of their registration to the Courts. This was acknowledged by Reem Al Shihhe and the practitioner's registration process will be changed.

Reem Al Shihhe clarified that lawyers from Category A who apply for a 30 or 90 days business visit visa can exit and on return use the same business visit visa which is not the same for lawyers from Category B, who have to obtain a new business visit visa on re-entry into the country.

For lawyers appearing at DWT hearings this will be an optional service as well although the lawyers are not required to be registered under the Part II of the DIFC Courts' Register of Legal Practitioners to appear at DWT hearings.

All information regarding obtaining a business visit visa is now available on the DIFC Courts' website and the contact person will be Shila Katira, HR and Business Excellence Specialist.

4. **IT strategy/ interCOMM v4 upgrade:**

Trevor Pegley from Visionhall provided the meeting with an overview of the forthcoming eRegistry upgrade which is due end of March 2015. The new system builds on the success of the old one, while adding many new features to make it easier for court users to register and conduct business with the court online. A period of beta testing is due to start shortly involving the court user community. He also provided the members with an overview of how the new system would look and explained some of the features that the new upgraded version would have while still retaining the same eforms.

Some members remarked that the "search" functionality on the new courts website was not user friendly. This was acknowledged by the Courts and Visionhall has now deployed a new enhanced search engine.

5. **Caseload Statistics: a total of 187 cases were filed in 2014**

- Court of First Instance: 36 CFI cases filed
- Court of Appeal: 6 CA cases filed.
- Enforcement: 13 Enforcement cases filed
- Arbitration cases: 6 Arbitration cases filed
- SCT: 126 SCT cases filed

Total No of Procedures for 2014

- Total no of cases: 187
- Counterclaims: 3
- Application Notices: 71

Total: 261

- The average value per CFI and ARB claim stands at USD11.43m (AED42m) - a 25% increase from 2013.
- The total amount of claims and counterclaims filed (CFI and ARB) totalled USD480,116,5.80 (AED1.76bn) – an 81% increase from 2013.

6. **Courts' Activities – Deputy Registrar update:**

The Deputy Registrar Amna Al Owais gave an update on the Courts' activities since December 2014

- **HH Sheikh Mohammed bin Rashid unveils 5 Star rating plaque:** DIFC Courts is the first non-federal entity to be classified according to the accredited Star Rating System.
- **Signing of a Memorandum with the Supreme Court of Singapore:** Judicial ties between Dubai and Singapore have been strengthened following the signing of a Memorandum of Guidance.
- **DIFC Courts Lecture Series No.1 of 2015:** Lecture on International Commercial Courts: Towards a Transnational System of Dispute Resolution was delivered by Chief Justice of the Supreme Court of Singapore Mr Sundaresh Menon on the 19 January 2015.
- **Appointment of Justice Sir Richard Field:** Justice Field was sworn in before HH Sheikh Mohammed bin Rashid Al Maktoum on the 26 January 2015.
- **National Transport Authority visited DIFC Courts:** H.E. Salem Ali Al Zaabi, Director General of the UAE National Transport Authority (NTA), led a recent delegation to the DIFC Courts, as the two organisations explore areas of potential collaboration, particularly in the field of Maritime Court.
- **Lord Mayor's visit to the DIFC Courts:** DIFC Courts welcomed to the courts The Right Honourable the Lord Mayor of the City of London, Alderman Alan Yarrow and accompanying officials on 25 January 2015.
- **World Forum Sharjah:** Mark Beer moderated the session on Cross-border Financing Options for FDI on the 9 February 2015.

7. **Delegations received at the DIFC Courts:**

National Transport Authority delegation visit, 15 December 2014: addressed by H.E Justice Ali Al Madhani and Registrar Mark Beer.

Nigerian delegation (Pinheiro & Company), 18 December 2014: addressed by Assistant Registrar Natasha Bakirci.

Michigan State University delegation visit, 18 December 2014: addressed by Senior Case Progression Officer Lema Hatim.

Knowledge and Human Development Authority (KHDA), December 2014: addressed by Registrar Mark Beer and Assistant Registrar Natasha Bakirci.

Delegation visit from Volterra Fietta UK, 2 February 2015: addressed by H.E. Justice Ali Al Madhani.

Middlesex University visit, 3 February 2015: addressed by Assistant Registrar Natasha Bakirci.

International Special Event Society, 3 February 2015: addressed by Registrar Mark Beer and Project Manager Mihaela Moldoveanu.

Manipal University, 4 February 2015: addressed by Assistant Registrar Natasha Bakirci.

8. **Conference Representation: DIFC Courts participated at various conferences both in UAE and Overseas**

- **The Mega Forum**, 18 December 2014: H.E. Justice Ali Al Madhani spoke at the event.
- **The 3rd Abu Dhabi Judicial Department Forum about the Partnerships and Social Responsibility**, 21 December 2014: Judicial Officer Maha Al Mehairi attended the event.
- **DIFC Courts First Lecture Series in 2015**, 19 January 2015: Chief Justice Michael Hwang spoke about the DIFC Courts Work Plan 2015.
- **China visit, 25 January 2015**: Chief Justice Michael Hwang and Registrar Mark Beer travelled to Shanghai to begin ground work for a potential signing of a Memorandum of Guidance. During their trip they visited:
 - The no 1 Intermediate People's Court
 - China (Shanghai) Pilot Free Trade Zone Court
 - Koguan Law School of Shanghai Jiaotong University
 - East China University of Political Science and Law
 - Shanghai International Arbitration Centre

9. **Media Coverage:**

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

10. **Upcoming events:**

Dubai Forward, 23 February 2015 – Deputy Registrar Amna al Owais to speak at the event.

Global Law Summit, 25 February 2015 – The Deputy Chief Justice to attend the event.

Signing of a Memorandum of Guidance between Court of New York and DIFC Courts, 22 March 2015.

Lecture Series 2 of 2015, 22 March 2015 to be given by Chief Judge Preska of the New York Courts.

DIFC Courts' General Counsel Forum, 23 March 2015 to be chaired by the Chief Justice.

DIFC Courts' Advocacy Training to take place on 28 March/ 11-12 April 2015.

11. **Collaboration:**

Signing of a Memorandum of Guidance between Supreme Court of Singapore and DIFC Courts, January 2015

Proposed signing of a Memorandum of Understanding with the Legal Affairs Department, February 2015

Proposed signing of a Memorandum of Understanding with the Department of Economic Development and FDI Dubai, March 2015

Proposed signing of a Memorandum of Guidance between United States District Court, Southern District of New York and DIFC Courts, March 2015

12. **2015 Work Plan:**

Registrar Mark Beer updated the members of the Courts' Users' Committee about the 2015 Work Plan which was presented by Chief Justice of the DIFC Courts Michael Hwang on 19 January 2015. He highlighted that DIFC Courts will have greater engagement with lawyers and business people and how the courts will continue to maintain and develop their strong links with other courts.

H.E. Justice Omar Al Muhairi remains a key liaison between DIFC Courts and Dubai Courts.

H.E. Justice Ali Al Madhani and Judicial Officer Nassir Al Nasser will continue to build links with the Saudi judiciary.

Judicial Officer Maha Al Mehairi, will build links with Abu Dhabi Judicial Department and UAE Ministry of Justice.

DIFC Courts will support Judicial Officers Maha Al Mehairi and Nassir Al Nasser to further advance their judicial careers.

Registrar Mark Beer spoke about the development of the Dispute Resolution Authority, which will be headed by Chief Justice of the DIFC Courts Michael Hwang.

The proposed revised fee structure was also shared with the members.

Members were informed that Assistant Registrar, Natasha Bakirci is working on a new draft order which raises the Small Claims Tribunal's jurisdiction for all claims to 500,000 AED – with a limit of 1 million AED for non-employment claims and no cap for employment claims where parties agree.

Some members suggested that legal representation should be allowed at Small Claims Tribunals, especially in employment cases as a company can use in-house counsel while an individual cannot use a lawyer.

13. DIFC Courts' training:

Assistant Registrar Natasha Bakirci gave updates on the DIFC Courts training progress following introduction of Legal Affairs Department CPD scheme.

Certain CUC members expressed the view that some practitioners might benefit from further training on the Rules of the DIFC Courts (RDC).

Members wanted to know if there are any plans to introduce CPD training or a point system for DIFC registered practitioners to which Assistant Registrar Natasha Bakirci clarified that any lawyer practising in Dubai has to do 16 hours as CPD a year and if they are practising in the DIFC two of those hours have to be DIFC related. This will come into force from March 2015.

Others questioned whether CPD earned in their home jurisdictions would be recognised by the Legal Affairs Department.

14. DIFC Wills and Probate Registry:

Mihaela Moldoveanu, Project Manager, DIFC Courts provided the below updates to members about the DIFC Wills and Probate Registry:

It is hoped to launch the DIFC Wills and Probate Registry within the next two months.

DIFC will be the first jurisdiction in the MENA region where one can register a will under internationally recognised common law.

The Registry will be an office where eligible people can register their English language wills for their Dubai estates, allowing the ensuing probate process to take place in the DIFC Courts

A set of new rules guiding the functioning of this service have been drafted on the basis of Common Law principles from the Estates Act and Probate Rules of the UK and from other leading jurisdictions, such as Singapore and Malaysia.

When members inquired if an estate from other emirates will be covered, Mihaela Moldoveanu informed the members that only the Dubai estate will be covered at this stage and the estate in the other emirates will not be covered.

15. Nomination of new members to the Courts' Users' Committee:

As we had an overwhelming response to our request for nominations from law firms to become a member of the Committee, a ballot was taken to select the two new members. Adrian Chadwick from Hedef & Partners and Peter Gray from Gibson Dunn stepped down and were replaced by Esam Omar Sharaby from Hussain Lootah Law and Associates (UAE firm) and Graham Lovett from Clifford Chance (International firm) respectfully.

Next meeting date agreed:

27 May 2015

Meeting closed at 4.20pm