



DIFC COURTS' USERS' COMMITTEE

MEETING MINUTES

26 November 2015, 12.30pm

Al Diyafa, Capital Club

Committee Attendees:

Esam Omar Sharaby, Hussain Lootah & Associates

Faridah Sarah, Galadari Advocates and Legal Consultants

Rita Jaballah (delegate for Hasan Arab), Al Tamimi & Company

Issa Baddour, Governor's Office

Obaid Al Muhairi, DIFCA

Alec Emmerson, Clyde & Co

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

Cheryl Fernandes, Committee Secretary, DIFC Courts

Apologies:

Graham Lovett, Clifford Chance

James Lake, DFSA

Muna Dundan, DFSA

Sheila Shadmand, Jones Day

Amna Alowais, Deputy Registrar, DIFC Courts

Guests:

Natasha Bakirci, Assistant Registrar, DIFC Courts

1. Welcome by Chairman:

Registrar Mark Beer chaired the meeting and welcomed all attendees. The Chairman thanked all the members of the Committee for their dedication, efforts and their contributions throughout the year. In particular a thank you to Hassan Arab, Al Tamimi and Sheila Shadmand, Jones Day who served on the Committee since 2013 till 2015, and will step down in 2016 to be replaced by new members from a UAE Firm and International Law Firm respectively.

The Chairman suggested that the DIFC Courts' Users' Charter should be looked at with regards to membership of the Courts' Users' Committee and asked if members would like any other entity to be invited on the Committee. Some members suggested that the DIFC Courts should invite guest speakers to the Courts' Users' Committee meetings. Guest speakers who members felt would contribute could be from the Dubai Courts, a representative from the DIFC-LCIA perhaps the Registrar. Members were of the view that having a representative from the Supreme Legislation Committee attend from time to time would also benefit the committee.

The Chairman suggested that we invite a representative of the Government of Legal Affairs Department to be a member of the Committee, this could benefit as the Government of Legal Affairs Department manage all Government related litigation. It was agreed by all members to invite a representative as a guest speaker during the latter half of the year.

The Committee Secretary talked about how the Committee will go about electing a new Chairman at the first meeting to be held in March 2016. To maintain parity between participating law firms, the Chairman will normally be selected from among individuals whom are not affiliated with law firm members of the Committee.

The Committee Secretary also informed members that an email will be sent out to all registered law firms and practitioners inviting nomination for new members to join the committee. All nominees will be circulated to the

Courts' Users' Committee members and new members will be elected to the committee at the first Courts' Users Committee meeting.

The committee members were asked if they were content with the number of meetings held in a year. The committee members felt that four meetings a year are about right to discuss various matters and developments taking place at the DIFC Courts and other judicial systems.

2. **Approval of the last minutes of meeting**

The minutes of the Courts' Users' Committee meeting held on 10 September 2015 were approved.

3. **Processes of the Registry:** Registrar Mark Beer informed committee members that the DIFC Courts had received positive feedback about how the Courts could streamline the processes of the Registry. Matters that come to the Case Progression Officers would be looked at by the Judicial Officers who may make an immediate decision. If the Judicial Officers decide that they are unable to deal with it, they will approach the Judges of the DIFC Courts. The Case Progression Officer will then go back to the parties providing them an update of what is happening and a approximate time frame for the Courts to revert. Members suggested that Registry communicates with all parties via email for any updates on cases so that both parties are kept in the loop.

Registrar Mark Beer informed members that the time taken for the delivery of judgments in Court of First Instance cases is at an average of 2.9 months.

The Registrar Mark Beer also informed members that the DIFC Courts are constantly upgrading their systems in line with Dubai's commitment to accessibility and Smart Government services, allowing for better quality communication when parties from around the world are dealing with the Courts by video conference. This could specially be useful for Small Claims Tribunal cases where parties are not required to physically visit the Courts.

4. **DIFC Wills and Probate Registry:** Registrar Mark Beer informed members that the DIFC WPR shall establish and maintain a register of those persons authorised to draft wills for registration in the Register. Relevant training courses in Will drafting and DIFC WPR Rules will be offered by the Academy Of Law.

5. **Local and International connections:** Registrar Mark Beer informed members that the DIFC Courts' growing framework of cooperation agreements with commercial courts in Asia took a significant step forward with the signing of a memorandum with the Supreme Court of Korea. The UAE and South Korea are major trading partners, and Korea is a hugely important market for companies in the Middle East, which is why the DIFC Courts have prioritised establishing formal links with its court systems. The memorandum offers companies operating in the UAE and South Korea additional certainty about the strength of a contract by setting out the procedures for the mutual enforcement of money judgments. He further added that the DIFC Courts will focus on connecting with the 10 top trading markets for Dubai in the coming year, including China, India, France and Switzerland.
6. **Service by email:** Members discussed whether the DIFC Courts should allow service by email and members felt that it would work as long as the email address provided is a working one.
7. **Other matters arising from the committee;**

Committee members were asked if they had any other matters that they would like raise at the meeting.

Next meeting date proposed:

Monday, 21 March 2016

Meeting closed at 4.00pm