



DIFC COURTS
WORK PLAN 2016

DIFC COURTS
WORK PLAN 2016



TABLE OF CONTENTS

| | |
|--------------------------------------|----|
| Message from the Chief Justice | 07 |
| Quality of decisions | 08 |
| Administrative efficiency | 11 |
| International best practices | 12 |
| Enforcement | 15 |
| Outreach initiatives | 16 |

Chief Justice Michael Hwang

SC Singapore

Michael Hwang SC is a graduate of Oxford University and a former law teacher in the University of Sydney and University of Singapore.

In 1997, he was appointed as one of the first 12 Senior Counsel (SC) of the Supreme Court of Singapore (a status equivalent to that of Queen's Counsel in England). In 1999, he was elected a Member of the American Law Institute and also served as a Visiting Professor to the National University of Singapore teaching advocacy and commercial arbitration. Between 2000 and 2003, he served as a Commissioner of the United Nations Compensation Commission (UNCC) based in Geneva, a body set up under the Security Council to assess claims against Iraq arising from the first Gulf War.



MESSAGE FROM THE CHIEF JUSTICE

Welcome to the DIFC Courts' 2016 Work Plan.

This document sets out our ambitious plans for the year and how we will maintain our position as the region's forum of choice for resolving English language commercial disputes.

Our work over the coming year will be guided by five core principles:

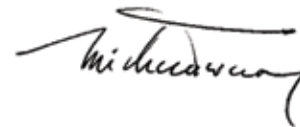
1. Maintaining the high quality of decisions
2. Increasing administrative efficiency
3. Ensuring alignment with international best practices
4. Having greater line of sight over enforcement
5. Developing outreach initiatives

Each principle, and its corresponding work stream, is covered in detail on the following pages.

The roadmap set out in this work plan creates many exciting opportunities for the courts, its judges and staff, as well as the wider community. It also brings us closer to our stated aim of establishing the DIFC Courts as one of the world's leading commercial courts by 2021.

I would like to thank my fellow judges and the team of registry professionals for their hard work and commitment to excellence in everything they do. I would also like to thank the increasing number of companies in the UAE and around the world that trust us to settle their disputes.

The DIFC Courts have a busy year ahead as we look to achieve our ambitious goals while continuing to play a central role in supporting federal, local and DIFC strategic objectives.



Michael Hwang
Chief Justice

1. QUALITY OF DECISIONS

- 1.** In 2016, the DIFC Courts will continue to build on the trust and confidence of the international legal and business communities by developing their uniquely qualified and experienced bench of judges to deal with the most complex and high value transnational disputes.
- 2.** After seven years of exceptional service, Justice Sir John Chadwick will step down as Deputy Chief Justice in 2016. He will remain a judge of the DIFC Courts and a member of the Dubai World Tribunal for his on-going cases.
- 3.** Justice Sir David Steel, who has served the DIFC Courts since 2011 and became the new Deputy Chief Justice in April 2016. He brings a wealth of experience gained as a judge in England & Wales, including serving on the Queen's Bench Division of the High Court, and the Commercial and Admiralty courts in London.
- 4.** The DIFC Courts will continue to build their judicial capacity in 2016 with the

appointment of another overseas judge to fill Justice Sir John Chadwick's place.

- 5.** 2016 will see the implementation of a plan for the DIFC Courts' Emirati Judges to assume enhanced responsibilities, including direct liaison with their peers at the Dubai Courts on enforcement matters. Since their jurisdiction was opened to businesses worldwide in October 2011, the DIFC Courts have established one of the world's strongest enforcement regimes.

Each Emirati judge has also been given a number of additional individual responsibilities. H.E. Justice Omar Al Muhairi will look into a possible amendment to the Judicial Authority Law for employment and probate cases that fall within the ambit of civil and commercial disputes. H.E. Justice Ali Al Madhani will become the principal ambassador for the DIFC Courts across the GCC and wider Middle East. H.E. Justice Shamlan Al Sawalehi has been promoted as a Court of First Instance trial judge and will also take charge of the Small Claims Tribunal.



Justice Sir David Steel

UK

Justice Sir David Steel was appointed as a Judge of the DIFC Courts in 2011 and as Deputy Chief Justice in April 2016.

Prior to this, Justice David Steel served as a Judge of the High Courts on the Queen's Bench Division from 1998 onwards. Justice David Steel was appointed as Judge of the Commercial Court and an Admiralty Judge from 1998 onwards. He also served as a Judge in charge of the Commercial Court in the High Court of London from 2006 to 2008 having been the presiding Judge of the Western Circuit from 2002 to 2006.



Justice **HE Omar Juma Al Muhairi** **UAE**

H.E. Justice Omar Al Muhairi was appointed as a Senior Judicial Officer at the DIFC Courts in August 2005. H.E. Justice Omar Al Muhairi brings to the DIFC Courts an in-depth knowledge of the workings of the Dubai judicial system.

In 1994, H.E. Justice Omar Al Muhairi was appointed as a Prosecutor for Dubai Public Prosecution and served as Prosecutor until 1998. In 1998, he was appointed by the Ruler of Dubai to serve as a Judge in the Dubai Courts. During his tenure as a Judge, H.E. Justice Omar Al Muhairi dealt with a large number of major criminal, commercial and civil cases.



2. ADMINISTRATIVE EFFICIENCY

- 1.** The efficient management and progression of cases is a strategic imperative for the DIFC Courts and they will continue to seek incremental improvements throughout 2016. Specific targets and initiatives are outlined below:
- 2.** In 2016, once the required papers have been filed with the Courts, the DIFC Courts will seek to ensure that the majority of Court of First Instance (CFI) cases are listed for trial within nine months of the date of the first Case Management Conference. The DIFC Courts will endeavour to arrange hearings according to the availability of parties' legal representatives but not at the expense of actively progressing the cases.
- 3.** At the outset of each case, the DIFC Courts will send a case timetable with the sealed Claim Form in order to allow lawyers and their clients to better plan the conduct of a case.
- 4.** Any extension request for a change of dates from a lawyer or lawyers must be accompanied by a letter from their client(s) confirming they understand that the Courts are ready to progress the matter and that the requested change is likely to delay the resolution of the case.
- 5.** The DIFC Courts will work to ensure that, on average, judgments for CFI and Court of Appeal cases are handed down within three months of the close of submissions. However, given the ever larger and more complex cases coming before the DIFC Courts, this target will become harder to achieve over time.
- 6.** In 2016, the DIFC Courts will reconsider their provisions regarding leave to appeal to ensure that those rules remain up to date and supportive of efficient, fair and transparent best practices. Any changes deemed necessary are likely to be the subject of a public consultation before implementation.
- 7.** The DIFC Courts will explore Fast Track Schemes and Shorter Trial Schemes in an attempt to provide shorter, more flexible and streamlined litigation.
- 8.** A review of trends in relation to costs litigation will be conducted via an analysis of all costs awarded by the DIFC Courts. This will involve the preparation of a database of precedents of costs awards which will be publicly available online so that practitioners can easily study them and cite them as authorities when arguing assessment applications.
- 9.** Given the sharp increase in arbitration cases in the CFI, the DIFC Courts will analyse all such cases to show the jurisprudential importance of judgments, as well as to highlight the contribution the jurisdiction has made to international arbitration law.
- 10.** The DIFC Courts will explore ways of managing the increased workload from administrating tasks related to the DIFC Wills and Probate Registry, such as issuing the necessary court orders and dealing with the applications and cases that flow from the service.
- 11.** A review of court fees will be conducted in 2016 to ensure they strike a balance between the economic realities of running an international commercial court and delivering a good value service to court users and their clients. Potential areas for further refinement include the reduction of fees for relatively straightforward processes and applications for summary judgment.
- 12.** In order to further increase settlement rates in 2016 the DIFC Courts will continue to explore opportunities to encourage the use of alternative dispute resolution. This initiative will be given further impetus now the DIFC-LCIA Arbitration Centre falls under the DIFC Dispute Resolution Authority umbrella and has plans to handle mediation of commercial disputes.

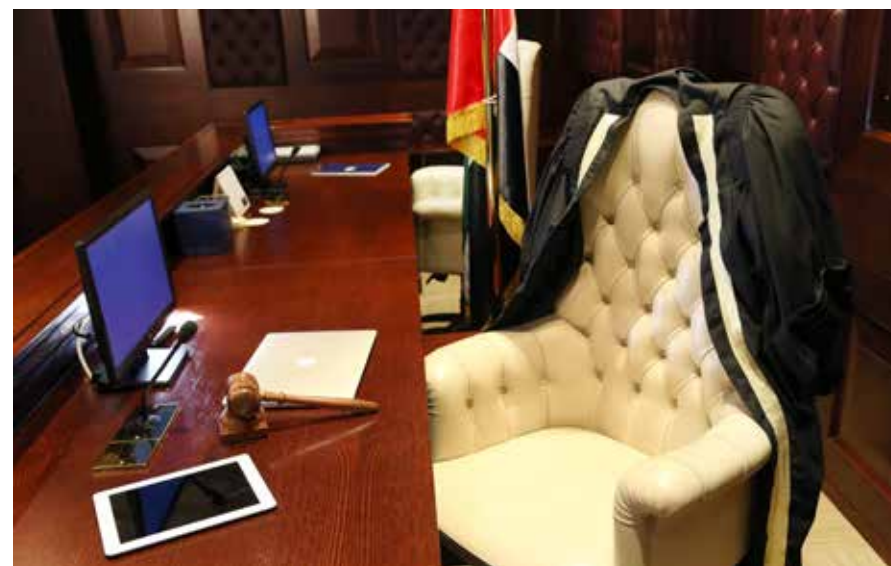
3. INTERNATIONAL BEST PRACTICES

1. In 2016, the DIFC Courts will continue to follow the principles enshrined in the International Framework for Court Excellence and play a role in the advancement of the court excellence initiative of the International Association for Court Excellence (IACA) of which HE Justice Ali Al Madhani is Chairman for the Middle East Board and Mark Beer is regional Vice President.

2. Tools for monitoring court user engagement, service levels and business excellence will be assessed to ensure alignment with best international practices. In the interim, the DIFC Courts will continue to undertake quarterly mystery shopping surveys (with the objective of increasing the overall satisfaction score from 85% to at least 90%), a Courts' users' survey, an employee engagement audit and exit surveys.

3. The DIFC Courts will seek membership of, and accreditation by, leading international quality assurance organisations in order to share excellence across geographies.

4. International recognition from respected third parties and awards programmes will be sought to reinforce the impact of the DIFC Courts' work.

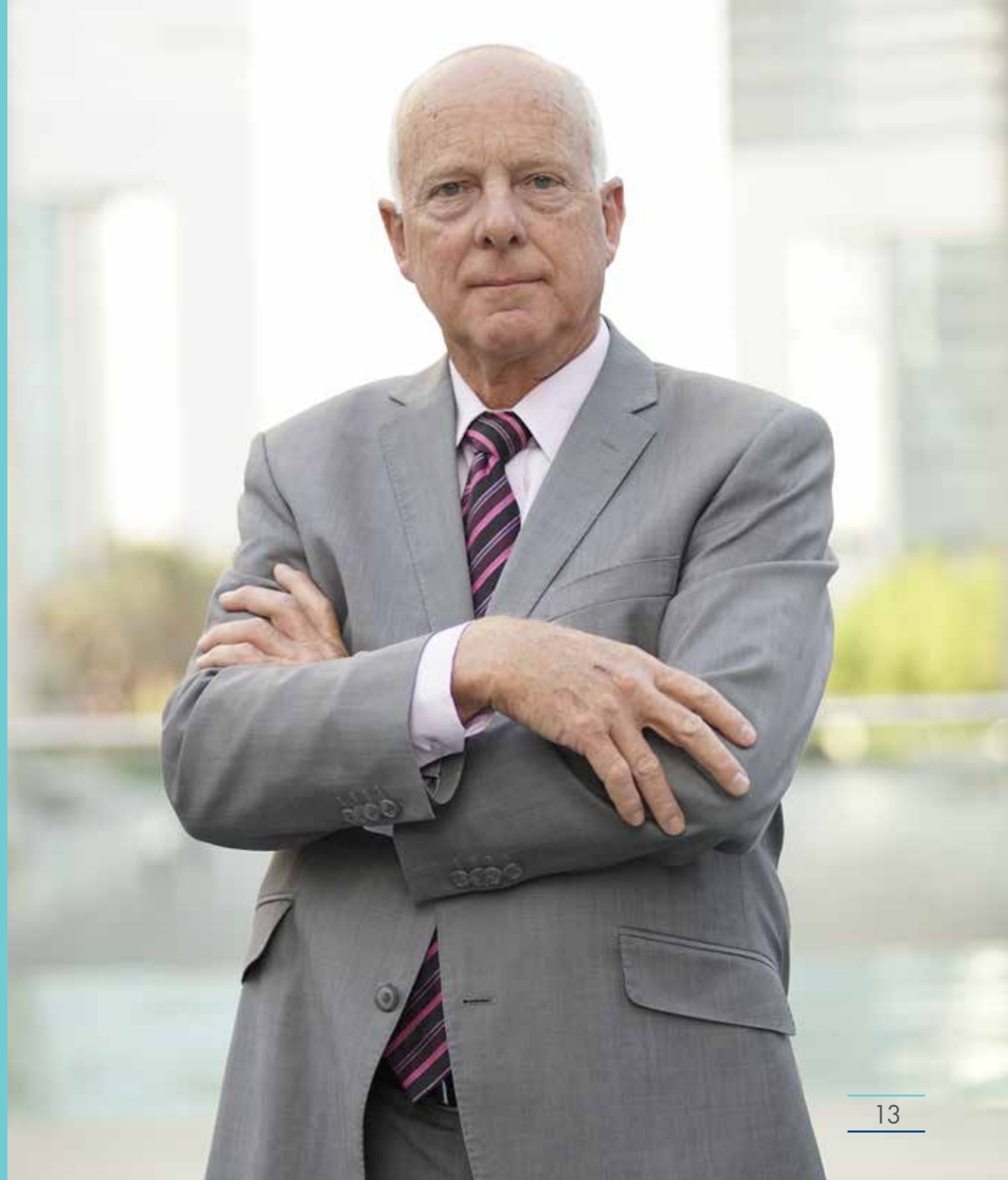


Justice Roger Giles

Australia

Justice Roger David Giles was appointed a Judge of the Supreme Court of New South Wales in 1988, and sat in the Commercial Division becoming Chief Judge of that Division in 1994. In 1998, he was appointed to the Court of Appeal, from which he retired in December 2011.

Mr. Giles is a graduate in Arts (1961) and Law (1965, Hons 1) from Sydney University, and holds a Bachelor of Civil Law (1968, Hons 1) from Oxford University. He served articles of clerkship and was a solicitor at a Sydney firm before going to the New South Wales Bar in 1971. During the earlier years of his career, he lectured and tutored at Sydney University.



Justice

H.E. Ali Shamis Al Madhani

UAE

From 1994 until 1998, he was a Public Prosecutor for Dubai Public Prosecution. In 1998, H.E. Justice Ali Al Madhani was appointed by the Ruler of Dubai to serve as a Judge in the Dubai Courts. During his tenure as a Dubai Courts' Judge, H.E. Justice Ali Al Madhani adjudicated over a large number of major criminal, commercial and civil cases.

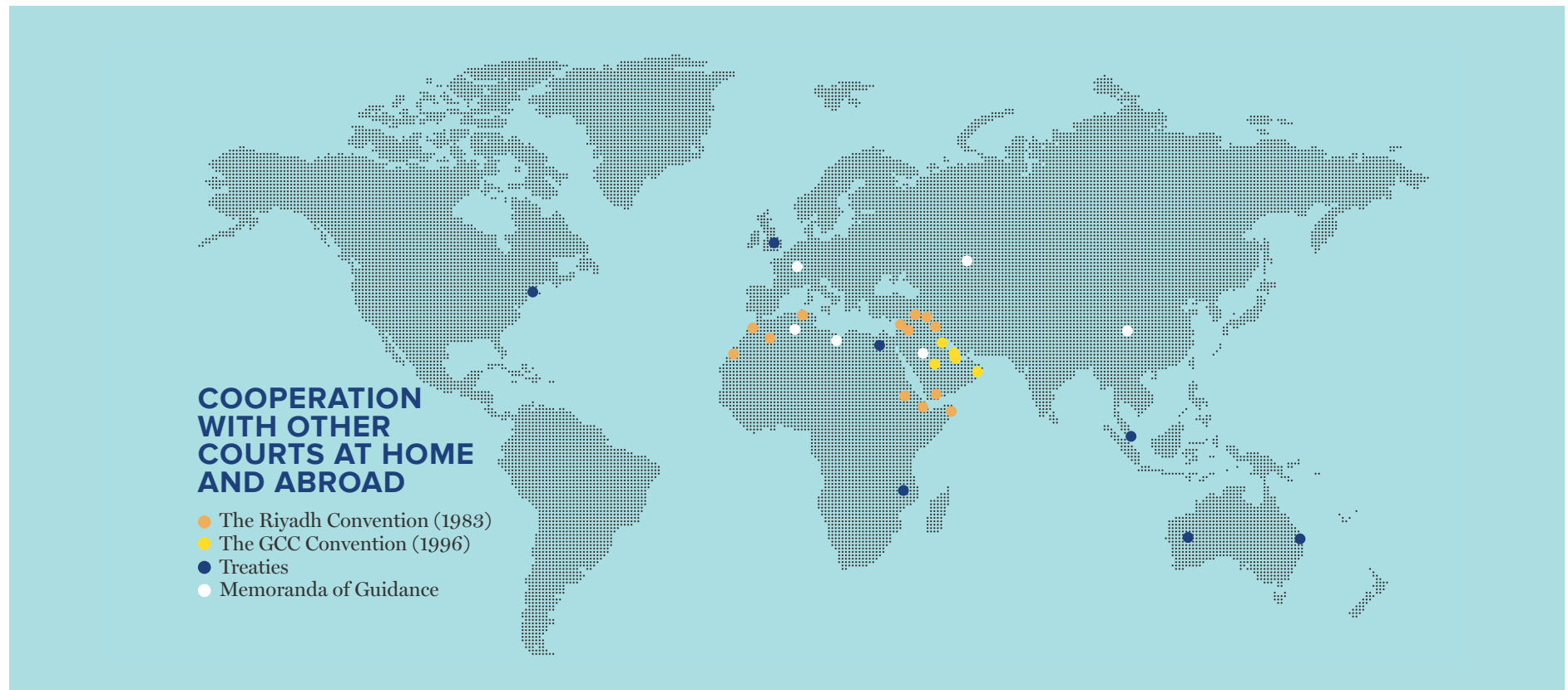


4. ENFORCEMENT

1. The DIFC Courts will continue to work tirelessly in 2016 to build the world's strongest enforcement regime through formal and informal agreements with other jurisdictions.

2. The DIFC Courts' Enforcement Department has been tasked with actively following up on the progress of enforcement actions for judgments and orders to ensure that, wherever they are taken throughout the region and the world, any difficulties are known.

3. Having signed enforcement memoranda with many leading common law jurisdiction, the focus for new agreements in 2016 will be with civil law jurisdictions.



5. OUTREACH INITIATIVES

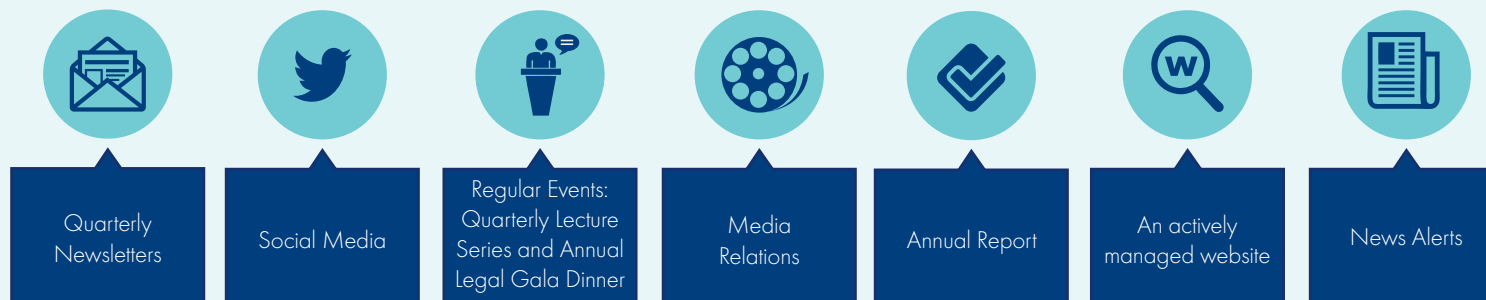
1. Working closely with the DIFC Academy of Law, the DIFC Courts will actively engage with public officials, lawyers, business people, academic and students throughout 2016.
2. Creating an empowering environment for Emiratis seeking a career in the judiciary will remain a key priority for the DIFC Courts in 2016.
3. A bilingual annual report will continue to be produced to ensure all stakeholders are appraised on the DIFC Courts' performance and key developments over the preceding 12 months.
4. The yearly Gala Dinner will take place on Thursday, October 20, 2016, providing an important platform to engage with the UAE legal community.

5. Following the hard work of a number of practitioners from some of the major Dubai-based law firms, the first edition of "Commentaries on the DIFC Laws of Contract, Damages and Remedies, Obligations and Arbitration" will be released in 2016. The DIFC Courts are grateful to Clifford Chance, Clyde & Co and Baker Botts for their commitment to undertake the task of writing the commentaries. More volumes with the assistance of other law firms are in the planning stage.

6. In 2015, the DIFC Courts were selected by the National Bank of Kazakhstan to consult on the wide range of issues that need to be considered and steps that need to be taken as they establish an internationally respected commercial court and arbitration centre at the planned Astana International Financial Centre. The DIFC Courts will look to establish similar relationships in 2016 and beyond.

OUTREACH

The DIFC Courts are committed to transparency and customer engagement. This requires regular and robust communications with stakeholders conducted via:



Justice **TUN Zaki Azmi**

Malaysia

Justice Tun Zaki Azmi retired as the Chief Justice of Malaysia in September 2011, upon reaching the retirement age of judges of the superior courts in Malaysia. His greatest achievement as Chief Justice was to clear the longstanding back log of cases affecting the Malaysian courts and to reduce the hearing time for newly filed cases, an achievement which was recognised by the World Bank.



Justice

H.E. Shamlan Al Sawalehi

UAE

H.E Justice Shamlan Al Sawalehi has a breadth and depth of experience and knowledge on international financial service disputes in both Common and Civil law systems. He joined the DIFC Courts in 2010 as a Judicial Officer before becoming a Small Claims Tribunal Judge and then a Court of First Instance Judge.

H.E Justice Shamlan holds a Master Degree with Merits in International Commercial Law from Westminster University in the UK, a Higher Diploma with Honors in Advanced Legal and Judicial Studies from the Dubai Judicial Institution, and a Bachelor with distinction in Shari'a and Law from the UAE University.





Justice Sir Richard Alan Field

UK

Justice Sir Richard Alan Field was appointed as a Judge of the DIFC Courts in January 2015. A British national, he most recently served as Judge in Charge of the Commercial Court in London, which deals with complex cases arising from business disputes, with a particular emphasis on international trade, banking, commodities, and arbitration disputes.

Justice Field was called to the Bar in 1977 and appointed Queen's Counsel in 1987. He served as a Deputy Judge of the High Court of Justice from 1997 to 2002 and as Justice of the High Court of England & Wales from 2002 to 2014, including as Presiding Judge on the Western Circuit between 2008 and 2012.



Senior Registrar

Mark Beer, OBE - UK

Mark joined the DIFC Courts in 2008 as Registrar and became Chief Executive in 2009. He is a Judge of the Courts' Small Claims Tribunal, Chairman of the DIFC Legal Group, a Member of the DIFC Courts' Rules Subcommittee, Registrar of the Special Tribunal Related to Dubai World and Chief Executive of the Dispute Resolution Authority. In 2010 he was elected the Vice-President of the Middle East for the International Association for Court Administration.

Amna Sultan Al Owais - UAE

Amna joined the DIFC Courts in October 2006. Amna has played a key part in the establishment and development of the DIFC Courts. Amna's role is to support the judicial bench in the management and day-to-day administration of the DIFC Courts. Amna undertakes various judicial functions and other duties as prescribed in Article 17 of the DIFC Courts Law No. 10 of 2004.







Ground floor, Building 4
The Gate District, PO Box 211724, Dubai, UAE
T : +9714 427 3333
F : +9714 427 3330
E : contactus@difccourts.ae

