



# The Court Administrator

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Court Administration: The Roles of the Judge and the Court Administrator

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## Interview with H. E. Justice Ali Shamis Al Madhani, DIFC Courts; Chair of IACA's Middle East Board



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and South Asia, providing a world-class platform connecting the region's markets with the economies of Europe, Asia and the Americas.

### **Tell us about DIFC Courts**

The UAE's DIFC Courts administer a unique English-language common law system – offering swift, independent justice to settle local and international commercial or civil disputes. The Courts, based in Dubai, provide certainty through transparent, enforceable judgments from internationally-recognised judges, who adhere to the highest global legal standards. The DIFC Courts are independent from, but complementary to, the UAE's Arabic-language civil law system – offering a choice that strengthens both processes while ensuring public access to world-class justice.

In October 2011, a decree of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Prime Minister of the UAE and Ruler of Dubai, opened the DIFC Courts' jurisdiction to businesses from all across the GCC region and beyond to provide the international business community with access to one of the most advanced commercial courts in the world.

The DIFC Courts were established under laws enacted by the late HH Sheikh Maktoum bin Rashid Al Maktoum, Ruler of Dubai in September 2004. The laws establishing the DIFC Courts are designed to ensure that the DIFC Courts provide the certainty, flexibility and efficiency expected by Court users. The Courts' community-focused approach encourages early

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### **What is your position at DIFC Courts?**

I was sworn in as a Judge of the Dubai International Financial Centre (DIFC) Courts in 2008; I was also appointed and sworn in as a Judge of the DIFC Courts Court of Appeal in 2008. Lastly, I am a member of the Joint Committee of the Dubai Courts.

My role is to handle cases relating to the Court of Appeal and to provide expertise on DIFC English language common law. I am also the Current Chairman of the Middle East Board for Courts Administration under the International Association for Court Administration (IACA). This involves meeting other regional judiciaries, fostering good relations and coordinating with regional counterparts in mutual areas of relevance.

### **Where is DIFC Courts located?**

Dubai International Financial Centre (DIFC) Courts is located within the DIFC freezone in Dubai, UAE. DIFC is the financial hub for the Middle East, Africa

settlement, while their successful track record supports Dubai's growing status as an international business hub.

In line with HH Sheikh Mohammed's vision, the DIFC Courts serve to develop the UAE national workforce and enhance the competitiveness of Emirati advocates. The DIFC Courts are spearheading training programmes predominantly aimed at local Emirati lawyers, which offer knowledge of, and qualifications in, the English-language common law system.

### **How many Judges and Court Administrators are working within DIFC Courts?**

The Chief Justice for the DIFC Courts is Justice Michael Hwang, SC (Singapore), and the Deputy Chief Justice is Justice Sir David Steel (UK). In addition to myself, the other judges of the DIFC Courts are H.E. Justice Omar Al Muhairi (UAE); H.E. Justice Shamlan Al Sawalehi (UAE); Justice Roger Giles (Australia); Justice The Hon Sir Jeremy Cooke (UK); Justice Sir Richard Alan Field (UK); Justice Tun Zaki Azmi (Malaysia); and Justice Judith Prakash (Singapore).

DIFC Courts also has over a dozen court administrators supporting the judiciary, including Mark Beer, Co-Chief Executive & Registrar General; Amna Sultan Al Owais, Co-Chief Executive and Registrar; Reem Al Shehhi, Chief Operating Officer; and Natasha Bakirci, Assistant Registrar.

### **What are the key tools employed at DIFC Courts for effective communication between court administrators and the judiciary?**

At the DIFC Courts there are several methods adopted to ensure an effective Courts system. Internally, as part of the Dispute Resolution Authority, DIFC Courts has implemented the 'Three Cs' – Collaboration, Communication and Commitment – as the cornerstones of improved operations.

Weekly meetings are held between judges and court administrators, wherein case management is discussed, in addition to other organisational issues that help support the DIFC Courts. These weekly meetings are complimented by an Annual Judges' Meeting (AJM) held in November of each year – this platform allows for the year's plans to be discussed and evaluated internally, as well as outlining the strategic plan for the year ahead.

To complement the effectiveness of internal collaboration through effective communication, the Courts also adopt technological innovation to drive legal excellence. The DIFC Courts has just introduced a new web-based Case Management System (CMS). Building on existing e-registry capabilities, the new system enables users, court administrators and judges to access case management information from their mobile phones, tablets and other electronic devices in real time.

Specific features include the ability to upload heavy bundles of documents; an entirely electronic, easy-to-use Small Claims Tribunal (SCT) section; faster and easier searchability of PDF case documents; integration with Emirates Identity Authority enabling verification of court users through their Emirates ID; and an interactive case plan that is automatically updated when documents are filed.

The DIFC Courts are among the world's leading courts for technological innovation. In 2016, they launched the Smart SCT, enabling parties to resolve disputes from any location by participating via smartphone. In July, this was named among the world's Top 10 Court Technology Solutions by the US-based National Association for Court Management.

In a move designed to help people and businesses resolve disputes more quickly, the DIFC Courts Small Claims Tribunal (SCT) has just announced that it is giving claimants the option to use direct and instant messaging to give defendants notice as part of an expanded range of e-services.

### **What new initiatives has DIFC Courts introduced in 2017 to help judicial and legal excellence?**

DIFC Courts announced its partnership with Microsoft to drive the digital transformation of the commercial courts systems in the region and beyond. Building on successful digital courts projects such as the DIFC Courts' Smart Small Claims Tribunal (SCT), the DIFC Dispute Resolution Authority (DRA) signed a Memorandum of Understanding (MoU) with Microsoft during the NACM-IACA conference in Washington, DC, in July.

In September this year, the DIFC Courts established a new Technology and Construction Division (TCD)

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that draws on specialist judges and a new set of industry-specific rules to fast-track dispute resolution, providing greater certainty to businesses in court. The Division will only hear technically complex cases.

DIFC Courts and Dubai Future Foundation have also created the Courts of the Future Forum, which will consider new ways to oversee disruptive technology such as driverless cars, drones, blockchain and cyber security within DIFC's jurisdiction. The forum will consist of global experts in law, technology, IT and business is being assembled to help lawmakers and legal systems

accommodate the accelerating growth of technology.

The Forum's brief is to design guidelines and prototype a commercial court that can operate anywhere worldwide, with the Part 40,000 Founding Principles newly launched across open-source for global consultation. The initiative will help create certainty for businesses, investors and entrepreneurs currently unsure of the legal implications of rapid technological change. 

