



DIFC COURTS' USERS' COMMITTEE

MEETING MINUTES

20 February 2018

DRA Offices, Level 3

Committee Attendees:

Adrian Chadwick, Hadeef & Partners

Graham Lovett, Gibson Dunn

James Lake, DFSA

Muna Dandan, DFSA

Obaid Al Muhairi, DIFCA

Stuart Paterson, Herbert Smit Freehills LLP

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

Mark Beer, Chief Executive, Dispute Resolution Authority (non-voting member)

Cheryl Fernandes, Committee Secretary, DIFC Courts

Apologies:

Ali Al Zarooni, Horizon & Co.

Jacques Visser, DIFCA

James Abbott, Clifford Chance

Suraya Turk, Hussain Lootah and Associates

Guests:

Nour Kirk, Deputy Registrar, DIFC Courts.

1. Welcome by Chairperson:

Amna Al Owais Registrar DIFC Courts chaired the first Courts' Users' Committee meeting of the year and welcomed all attendees.

2. Approval of the last minutes of meeting

The minutes of the Courts' Users' Committee meeting held on 10 December 2017 were approved.

3. Workplan 2018: Amna Al Owais briefed members on the DIFC Courts Work Plan for 2018, which was announced by DIFC Courts Chief Justice Michael Hwang on 31 January 2018. Touching upon the highlights Ms Amna Al Owais updated members on;

(a) Judicial Excellence: Our success as a court has largely been due to the highly learned and experienced judicial bench and we intend to maintain and improve on the quality of justice meted out by not only the senior judges but also our Registrars and Judicial Officers. Amna Al Owais introduced Nour Kirk, who has joined the courts as a Deputy Registrar and is tasked to ensure increasing efficiency in our Registry through a combination of technology and human experience and efficiency. Amna Al Owais informed members that Chief Justice Hwang retires in November 2018, and we hope to announce his successor once we obtain approval from His Highness's office. Abdalla Al Diqqi has joined the DIFC Courts as a Case Progression Officer and Bailiff at the DIFC Courts in 2018. He will be responsible for day to day management of claims and applications for all enforcement cases. He will also support the registry for the Small Claim Tribunal (SCT) cases as required. With time he will work on some Court of First Instance (CFI) cases as well.

The SCT will continue to enhance the Smart SCT initiative and build on streamlining the user experience. The new Case Management System (CMS) introduced in 2017 now permits the SCT process to be fully automated. In 2018, a new DIFC Courts mobile app will be developed tested and launched, with a dedicated portal section for SCT litigants.

(b) Connectivity: The DIFC Courts are continually focusing on making sure they are the most connected courts in the world. Chief Justice of the DIFC Courts Michael Hwang, Judge of the DIFC Courts H.E. Justice Ali Madhani and, David Gallo Director of the Academy of Law visited Saudi Arabia and met with a number of high level dignitaries to discuss collaboration opportunities and promote better access of justice in the GCC. DIFC

Academy of Law and King Saud University met to explore collaboration in areas of mutual interest, including supplementing the University's civil law curriculum by cross-training students in common law statutory and judicial systems.

The DIFC Courts are also meeting with judiciaries in Canada and Ireland to discuss connectivity and mutual areas of potential cooperation, to be achieved by the end of the year. Besides we are now looking East and developing further relations with China. The DIFC Courts signed a Memorandum of Understanding (MOU) with Shanghai High Court and have engaged with senior judges of the People's Republic of China in Beijing, Dubai and elsewhere, and will continue these discussions to see if there is a place for us in the One Belt and One Road *Initiative (OBOR)*, a strategy proposed by Chinese Government that focuses on connectivity and cooperation between Eurasian countries.

Locally the DIFC Dispute Resolution Authority (DRA) and Dubai Healthcare City Authority (DHCA) signed a Memorandum of Understanding on 30 January 2018. The purposes of cooperation between the DRA and DHCA is to endeavour to develop closer ties, by conducting joint activities, such as training and development programmes for and by relevant staff members, organise topical conferences and seminars, international outreach programmes, publications, etc; develop mechanisms allowing the companies operating in DHCA to use the DRA and its divisions, thereby mutually benefitting the parties, attracting investment; access for DHCA to the Small Claims Tribunal ("SCT") of the DIFC Courts, specifically greater co-operation between the respective dispute resolution and mediation services provided by DHCA and DR; DHCA and DIFC Courts will hold workshops to focus on SCT and pro bono.

The DIFC Dispute Resolution Authority (DRA) is also working towards signing a Memorandum of Understanding with the Dubai's Design and Fashion Council (DDFC) in a few months to offer SCT services in mediation.

- (c) Events:** Members were requested to save the date for the DIFC Academy of Laws' Annual Legal Gala 2018 which is set to take place on 8 November 2018. During the same time, we will also mark the 10th Anniversary of the DIFC Courts.

The International Consortium for Court Excellence (ICCE) will take place on 7 and 8th November 2018. Reem Al Shihhe, Chief Operating Officer is on the Executive Committee of the International Consortium of Court Excellence and will lead the event here in Dubai.

4. Courts of the Future Forum: The DIFC Courts and the Dubai Future Foundation announced the creation of the Courts of the Future Forum in early in 2017. The Forum was set up to help lawmakers and legal systems accommodate the accelerating growth of technology by developing new mechanisms for dispute resolution. Mark Beer Chief Executive, Dispute Resolution Authority shared with members the Charter of the Courts of the Future Forum. The purpose of the forum is to develop a framework of research and thought leadership about Courts of the Future through a cross-functional group of subject matter talent from around the world, bringing academics, judges, tech experts, funders, court leaders, practitioners and those in industry together to identify the challenge of the Future, and to agree how Courts should best address them. Mark Beer explained that each members of the leadership council shall be accountable for development of their theme in a collaborative manner with (i) members of their knowledge vertical and (ii) other members of the leadership council. The Forum's leadership council shall consist of no more than 15 people, each of which should represent a distinctive knowledge vertical and have considerable expertise in advising on or considering issues pertaining to Courts of the Future, Dispute of the Future and/or Laws and Regulations of the Future.
5. Mark Beer, Chief Executive, Dispute Resolution Authority updated members on the Conflict Avoidance Panel in cooperation with RICS (Royal Institute of Chartered Surveyors). With the disputes in the construction and engineering sector increasing in number, the cost to the industry is immense. Disputes also cause harm to business relationships, and are extremely slow to resolve taking a long time to resolve a dispute through traditional means, such as arbitration and litigation. Many contracting parties are now focusing on encouraging collaborative working, and the use of early intervention techniques to try and resolve differences of opinion before they escalate into full blown disputes. An increasing number of major infrastructure bodies are now using embedded Conflict Avoidance mechanisms to control and manage potential conflict and prevent the need for formal dispute resolution procedures, such as arbitration or litigation.

Members were informed that DIFC Courts will explore alternate dispute resolutions (ADR) mechanisms such as mediation and the development of ad hoc tribunals to assist large infrastructure and construction developers and contractors. Such development service will help reduce costly and lengthy disputes and reduce delays to large-scale time-sensitive projects. The purpose of the service is to enable parties to resolve emerging disputes earlier, quickly and amicably.

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

A ballot was taken to select the two new members to the Courts Users Committee. Members from the two longest serving law firms, Suraya Turk from Hussain Lootah Law and Associates and James Abbott from Clifford Chance

stepped down and were replaced by Dr. Hassan Arab from Al Tamimi (UAE firm) and Ben Bruton from Winston & Strawn LLP (International firm) respectfully.

Meeting closed at 12.30pm.

Next Meeting date 30 May 2018, 11.00am – 12.30pm.