



**DIFC COURTS' USERS' COMMITTEE**

**MEETING MINUTES**

**19 September 2018**

**DRA Offices, Level 3**

**Committee Attendees:**

Adrian Chadwick, Hadeef & Partners

Ben Bruton, Winston & Strawn LLP

Graham Lovett, Gibson Dunn

Jacques Visser, DIFCA

James Lake, DFSA

Muna Dandan, DFSA

Stuart Paterson, Herbert Smit Freehills LLP

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

Nour Kirk, Deputy Registrar, DIFC Courts (non-voting member)

Cheryl Fernandes, Committee Secretary, DIFC Courts

**Apologies:**

Ali Al Zarooni, Horizon & Co.

Dr. Hassan Arab, Al Tamimi & Company

Obaid Al Muhairi, DIFCA

**1. Welcome by Chairperson:**

Amna Al Owais Chief Executive and Registrar of the DIFC Courts chaired the third 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 (CUC) meeting held on 30 May 2018 were approved.

**3** Amna Al Owais Chief Executive and Registrar of the DIFC Courts provided members with updates, speaking about the vision of the DIFC Courts to be one of the world's leading commercial courts by 2021 by focusing on key four pillars:

**Innovation:** DIFC Courts are moving to a paperless court. We have introduced a new secure cloud-based technology to allow court documents to be uploaded from anywhere in the world. The e-bundling service will enable judges, lawyers and courts staff to access case information in various formats, across multiple locations and share with numerous users. The e-bundling system was introduced in March 2018, with a number of training sessions being carried out over the months. Some of the CUC members attended the session held in early September 2018 and found it very useful.

**Judicial Excellence:** DIFC Courts hope to announce the new Chief Justice and Deputy Chief Justice sometime. Chief Justice Michael Hwang retires on his 75<sup>th</sup> birthday in November 2018. There is a possibility of new judges being appointed on the DIFC Courts bench, this will be announced by November 2018.

**Service Excellence:** The DIFC Courts were the first Dubai Government entity to receive the five-star Government Service Award for customer service excellence, and the first courts in the world to achieve the high service standards required by The International Customer Service Institute (TISSE). We recently applied for the six-star Government Service Award and for the ISO Certification.

**Connectivity:** Nour Hineidi Kirk, Deputy Registrar provided updates covered under point No. 5.

- 4 Nour Hineidi Kirk, Deputy Registrar provided members with case statistics from January to September 2018, as well as comparing cases and values of cases filed during the same period in 2017, along with other updates mentioned below:

**(a) DIFC Courts Statistics from January to September 2018:** The number of Court of First Instance (CFI) cases filed from January to September 2018 increased by 38 percent, compared to the number of cases filed in the same period last year. The total value of claims and counterclaims increased from USD 51.7m in 2017 to USD 2,734.4m in 2018.

The Enforcement cases rose from 128 cases filed in January to September 2018, an increase of 146 percent compared to 52 Enforcement cases filed in the same period in 2017.

The volume of cases at the Small Claims Tribunal (SCT) stood at 285 in 2018, compared to 230 cases filed in the same period in 2017. There was an increase in value of SCT claims filed by 53 percent in 2018, compared to the total value of claims filed during the same period in 2017.

**(b) Update to Schedule of Fees:** The provision for re-imbursement and its problems were discussed at the Rules Subcommittee (RSC) meeting that was held in August 2018. The reimbursements shall only be applicable to Part 7 Claims, where the parties successfully settle the claim filed in the DIFC Courts in full, the following reimbursement shall apply:

- (i) for claims settled before the Case Management Conference takes place, 65% of the filing fee shall be reimbursed;
- (ii) for claims settled between the Case Management Conference and the Pre-Trial Review, 35% of the filing fee shall be reimbursed; and
- (iii) for claims settled after the Pre-Trial Review has taken place, no reimbursement shall be applicable.

To qualify for a reimbursement, the person, firm or entity seeking the reimbursement must, request a reimbursement by email to the Registrar, setting out the reasons for reimbursement, the reimbursement amount and the calculations made which have led to the reimbursement amount ('Request'); and send the Request no later than 60 days after the claim settles, discontinues or otherwise, at whichever point the requesting party becomes eligible for the reimbursement.

A fee for filing an application for a Grant of Probate will now be USD 1,500, and a fee an application for Guardianship shall be USD 1,500; and a fee for filing both an application for a Grant of Probate and an application for Guardianship in respect of the same deceased person shall be USD 1,500, plus any applicable DIFC Courts' fee.

As for Letter Applications, in the absence of a prescribed form under the RDC, the Registrar or a Practice Direction may direct that a letter application be filed (along with supporting documents) by an applicant party.

- (c) E-bundling:** Nour Hineidi Kirk reminded members that earlier this year we introduced the DIFC Courts' e-bundling system, and that we are now in the process of assessing whether it should be made mandatory from June 2019. There was a system demonstration that was scheduled early September, as well as a series of clinics through two days conducted by the Case lines team, who is the service provider. These clinics enabled hand-on experience to smaller groups. Many members attended the system demonstration and found it to be beneficial. Members were encouraged to speak with Case Lines and raise any concerns when Case Lines would be here in November.

**(d) Future Practice Directions and Registrars Directions:**

**Liquidator Appointments:** The DIFC Courts are engaging in discussions with Liquidators now to get their feedback on what sort of case documents that they might need when they are appointed on a case by companies. We are working on issuing a Registrars Direction identifying such a process.

**Probate:** The DIFC Courts are working on a Registrars Direction on how contentious probate cases are to progress once they are brought to the DIFC Courts and the timelines for such contentious proceedings.

**Supervising Legal Representative (SLR):** At the recent Rules Subcommittee meeting it was agreed that it may be necessary to issue a Practice Direction, to clarify, to the extent necessary, the scope of the SLR's concrete and preliminary duties and certain constants surrounding the role of the SLR.

**Riyadh Convention:** The DIFC Courts has had a couple of firms approach it on how service is to be effected under the Riyadh Convention and the process involved. This is likely to give rise to a Practice Direction on this topic.

5. **Memoranda:** Nour Hineidi Kirk, updated members on the recently signed memoranda of guidance as to enforcement between the DIFC Courts and the High Court of the Hong Kong Special Administrative Region of the People's Republic of China signed on 10 August 2018. The purpose of this memorandum is to provide general information concerning the procedures for the enforcement of monetary judgment in their respective jurisdictions.

The DIFC Courts signed a Guidance Note with a law firm Nishith Desai Associates in India, which give provide practical guidance to parties seeking enforcement of civil and commercial judgments in India and the DIFC, in accordance with the procedure prescribed under the laws of India and rules governing DIFC Courts. The was signed at an event held in Delhi, India on 14 September 2018.

We are also looking at signing memoranda with Japan and Ireland.

6. Various events:

**Standing International Forum of Commercial Courts:** The second meeting of the Standing International Forum of Commercial Courts will take place on 27-28 September 2018. The meeting will be hosted by the judiciary of the Southern District of New York in Downtown Manhattan. This will be attended by Chief Justice Michael Hwang, Justice Sir Richard Field, H.E. Justice Ali Al Madhani and Deputy Registrar Nour Hineidi Kirk. Nour Hineidi Kirk will be presenting a proposal on certification of judgments using block chain (in order to help promote far more efficient enforcement). At the time of pitching the proposal, the DIFC Courts will call upon judiciaries and court administrators to partner with DIFC courts in implementing the proposed solution.

**The Court Excellence and Innovation: Today & Tomorrow 2018 Conference will be held in collaboration with the ICCE, International Consortium for Court Excellence**, on November 7-8, 2018 at the Ritz Carlton DIFC. Aim of the event is to highlight the key values and success factors in the International Framework for Court Excellence (IFCE) and to identify international best practice and challenges in current Courts around the globe, as well as discussing the practical strategies that are vital to achieving court excellence within all judicial systems.

**Book Launch & Seminar and 10<sup>th</sup> year anniversary plans:** The DIFC Courts are celebrating a decade of achievements, an event being hosted on 8 November 2018 to mark this achievement. The same evening will be the Academy of Law's Gala dinner, being hosted at Ritz Carlton, DIFC.

Meeting closed at 12.30pm.

Next Meeting date 9 December 2018