

## **DIFC Courts' Users' Committee Charter**

### **Purpose**

- To act as liaison between DIFC Courts and all users of the DIFC Courts, including legal practitioners that are registered with the DIFC Courts.
- To assist the DIFC Courts to provide an efficient, accessible, transparent and professional service to its users.
- To advise the Courts about:
  - the current performance and reputation of the Courts as perceived by the Committee members, their representatives and participants in the Dubai legal community;
  - the strategic direction required for the Courts to maintain and improve their performance and reputation;
  - developments taking place in other judicial systems which, if adopted, might benefit the DIFC Courts and its users; and
  - developments and trends in the UAE legal sector which may have an impact on the DIFC Courts and their operation.
- To suggest ways of improving the efficiency of the Courts' procedures so that cases can be heard and determined efficiently, cost effectively and without undue delay, all without compromising the quality of the service and the Courts' aim of dealing fairly and justly with all users.

### **Scope of Authority**

The Committee shall advise the Chief Justice about administrative issues related to the Courts and any other appropriate issues which will help increase the level of users' satisfaction. The Committee shall not have any authority over the implementation of the suggestions or the advice, judicial matters and/or the administrative work of the Courts, including without limitation:

- Budgetary issues
- Strategic matters
- Judicial matters
- Policy matters of the Centre
- Communications (e.g. with external entities, governments, bodies, etc)
- Specific cases pending before the Courts

and the Chairman shall, in his or her sole discretion, determine which matters may properly be considered to be covered by this section.

## Members

- The Committee shall consist of the following voting members:
  - Group 1 – The DIFC Authority, the DFSA and the Office of H.E. The Governor.
  - Group 2 – three law firms owned/operated by a UAE national or UAE Nationals and which are licensed to practice law in the Emirate of Dubai (each referred to as a “UAE Firm”); and
  - Group 3 – three law firms not owned/operated by a UAE National or UAE Nationals which are licensed to practice law in the Emirate of Dubai (each referred to as an “International Firm”).

As used herein, “Firm” includes sole practitioners and larger firms

- In addition, the Registrar and Deputy Registrar of the Courts shall be ex-officio but non voting members.
- Each voting member shall be represented by a delegate (the ‘Delegate’) who shall have the right to vote on behalf of the member at meetings. It is the responsibility of the member to nominate that Delegate and to inform the Chairman should that nomination change.
- Each Delegate may be accompanied by another person (e.g. a professional colleague) on prior notice to the Chairman, but such other person shall not have any voting rights.
- If a Delegate is unable to attend a proxy may be permitted to attend on prior notice to the Chairman. Such proxy shall have the same voting rights as the Delegate. For the avoidance of doubt it is expected that Delegates will make every effort to attend all Committee meetings and the nomination of a proxy shall be exceptional.
- Not less than two weeks prior to the first meeting of each calendar year the DIFC Courts’ Registry shall write to all practitioners registered with it, requesting nominations to join the Committee.
- Each nomination submitted by practitioners must be accompanied by detailed reasons for the nomination, including details of the intended Delegate. At the first Committee meeting of each calendar year the voting members shall elect to the Committee from the nominees:
  - A UAE firm; and
  - A International Firm
- Upon the election of those members, the longest serving UAE firm and the longest serving International Firm shall retire from the Committee. Should two or more

members of Group 2, or two or more members of Group 3, be due to retire at the same time, they shall endeavour to agree which member shall retire, failing which the decision shall be referred to the Chief Justice.

- Should the number of UAE Firms on the Committee be less than three, the Committee may appoint such number of additional UAE Firms to the Committee as is necessary to ensure that there are three UAE Firms on the Committee.
- Should the number of International Firms on the Committee be less than three, the Committee may appoint such number of additional International Firms to the Committee as is necessary to ensure that there are three International Firms on the Committee.
- Should any member fail to send the Delegate or a proxy to two consecutive meetings without having provided a reasonable excuse to the Chairman, that membership shall be revoked.
- The Committee may appoint sub-committees and may invite any person to assist the Committee, or to serve on a sub-committee. All sub-committees shall conduct their activities in accordance with the objectives of the Committee and subject to any directions of the Committee.
- The Chief Justice may, if he considers it in the best interests of the Committee and its goals, vary or amend this Charter upon notification, and if time permits, consultation, with the Committee. In addition, should the Committee wish to vary or amend this Charter, that request shall be made on behalf of the Committee by its Chairman to the Chief Justice.

## **Chairman**

- The Committee shall elect a Chairman at the first meeting of each calendar year from among the Delegates, the Registrar or the Deputy Registrar of the DIFC Courts. The term of each Chairman shall be one year, provided that nothing shall prevent the Committee electing the same person as Chairman for more than one year. 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.
- Each meeting of the Committee will be chaired by the Chairman, or by another individual nominated by the Chairman and chosen from among the Delegates, the Registrar or the Deputy Registrar.
- The Chairman will be in charge of:
  - Managing the timely progress of the meeting and following up on tasks at the members' level.
  - Reporting to the Chief Justice on key issues and suggestions made by the Committee members that would help the Courts to achieve their goals and visions.

- Re-assigning issues that the Committee views must be handled by the Chief Justice or the President of the Centre.

## **Meeting Votes and Documentation**

- The venue for each meeting shall be determined by the Chairman.
- A quorum shall be duly constituted when at least four voting members are represented at the meeting, including at least one Delegate or proxy from each Group of voting members. When a quorum is present, matters shall be determined by a majority vote cast on behalf of voting members who are represented at the meeting.
- The Chairman shall have the deadlock vote. Should the Chairman not be a voting member, then he shall be authorised to refer the deadlock matter to the Chief Justice for determination.
- It is the responsibility of the Committee Secretary, who will be one of the Courts' staff, to compile the necessary documents in a timely manner.
- The Judicial Coordinator, or substitute, shall act as Secretary of the Committee and shall record minutes of each meeting which shall be distributed to all members not later than two (2) weeks thereafter.

## **Confidentiality**

At any of its meetings, the Committee may determine, by a majority of the voting members present, that all or part of the proceedings shall be treated as confidential to its members.

## **Timings**

The Committee shall hold regular quarterly meetings during the first two weeks of the months of January, April, July, and October, or at such other times as they may agree. Further meetings may be called by the Chairman on his or her own motion or upon the request of three (3) voting members of the Committee upon not less than three day's notice in writing to all members.