



THE CODE OF PROFESSIONAL CONDUCT FOR LEGAL PRACTITIONERS IN THE DIFC COURT

A - Governing Principles

The DIFC Court (“the Court”) was established to uphold the laws of the DIFC and to advance the rule of law by ensuring the just and effective resolution of disputes within its jurisdiction.

By registering to practice in the Court, each individual legal practitioner and firm (“Practitioner”) undertakes to act with integrity and independence in support of the Court and the wider community that it serves.

The right to practice in the Court is conditional upon observance of this Code of Conduct (“the Code”) and acceptance of the Court’s power to impose the sanctions provided for herein.

B - Duties Owed to the Court

1. Practitioners shall show due respect to, and co-operate with, the Court and its staff.
2. Practitioners shall ensure that they are familiar with the Rules of the DIFC Court (“the Rules”) and in particular with the provisions of the Overriding Objective set out at Part 1 thereof.
3. Practitioners shall ensure that they are familiar with such laws of the DIFC as may be applicable to the matter before the Court.
4. Practitioners shall never knowingly make any incorrect or misleading statement of fact or law to the Court and shall correct any material error or omission at the earliest opportunity.

C – Duties Owed to Clients

5. Subject to the duties set out in B(1) and B(4) above, Practitioners shall fearlessly defend the interests of their client before the Court without regard to any consequences to themselves or any other person.

6. Practitioners shall only agree to act in proceedings before the Court if they can handle them promptly, with competence and without undue interference from the pressure of other work.
7. Practitioners shall not seek to provoke or prolong Court proceedings unnecessarily and shall at the earliest opportunity advise their client of any appropriate alternative means of dispute resolution.
8. Practitioners shall at the earliest opportunity advise their client of the Court's discretion as to costs and in particular the general rule at Part 38.7(1) of the Rules that the unsuccessful party will be ordered to pay the reasonable legal costs and expenses of the successful party.
9. Practitioners shall at the earliest opportunity enter into a clear and transparent fee agreement with their client and thereafter ensure that sufficient records are kept of work done to enable the Court to properly assess any legal costs and expenses claimed during, or at the conclusion of, proceedings. Practitioners shall be free to agree any reasonable method of remuneration for their professional services, save for contingent or conditional fees.
10. Practitioners shall keep information communicated to them by their client confidential unless such disclosure is authorised by the client, ordered by the Court or required by law. This duty extends to all partners and employees of a Practitioner and continues even after the Practitioner has ceased to act for the client.

D – Duties Owed to Other Practitioners

11. Practitioners shall deal with each other honestly, co-operatively and with civility.

E – General Duties

12. Practitioners shall comply with the Code.
13. Practitioners shall not act in proceedings before the Court unless satisfied of their continuing adherence to the Court's Registration criteria.
14. Practitioners shall abstain from any behaviour which may tend to discredit the Court and the reputation of its Practitioners.
15. Practitioners shall never withdraw from proceedings before the Court in order to confer a tactical advantage upon a party. A Practitioner shall only withdraw for good cause and, if possible, only in such manner as will not adversely affect the interests of any party or the Court.
16. Practitioners shall not communicate about a particular case or matter directly with any party who is known to be represented in that case or matter by another Practitioner, save with the latter's consent.

17. Practitioners shall never agree to act in proceedings before the Court other than at the direct request of the party concerned unless they are satisfied that the person making the request is authorised by the concerned party. A Practitioner may, however, accept a case or matter forwarded to him by another Practitioner or other practising lawyer.
18. Subject to any relevant provisions of the Rules, Practitioners shall not disclose to the Court prior to judgment, the content of any settlement offers or settlement negotiations, regardless of whether these have expressly been stated to be “Without Prejudice”.

F – Sanctions for Breach of the Code

19. Any complaint by any person (“the Complainant”) that a Practitioner has acted in breach of the Code shall be made in writing to the Registrar.
20. Unless the Registrar is of the opinion on reasonable grounds that the complaint is frivolous or vexatious he shall:
 - (a) Forward a copy of the complaint to the Practitioner;
 - (b) Require from the Practitioner a written response to the complaint;
 - (c) Make any further investigation he deems appropriate;
 - (d) Issue a reasoned written decision on the complaint.
21. A Practitioner against whom a complaint is made may require that it is investigated and decided upon jointly by the Registrar and two independent Assessors chosen by the Registrar from the Register of Practitioners. The Registrar shall be responsible for drawing up and issuing the decision, which decision shall be that of the majority.
22. Assessors shall be paid a daily honorarium fixed periodically by the Chief Justice.
23. Any decision issued by the Registrar may be reviewed by the Chief Justice on the application of the Practitioner or the Complainant.
24. Where the facts and circumstances of the complaint involve the Registrar or the Chief Justice to any significant degree, the Chief Justice shall nominate the Deputy Registrar or any Justice of the Court to act instead of the Registrar, and any Justice of the Court to act instead of himself.
25. The Court, acting through the Registrar, the Chief Justice or any nominee of the Chief Justice, may impose the following sanctions upon any Practitioner found on a balance of probabilities to have acted in breach of the Code:
 - (i) Private Admonition;
 - (ii) Public Admonition;
 - (iii) Fine not exceeding US\$5,000 in the case of an individual Practitioner and US\$15,000 in the case of a firm;
 - (iv) Suspension from the Register of Practitioners for a period of time not exceeding 12 months;
 - (v) Removal from the Register of Practitioners.

26. The Court may impose a combination of sanctions. Any sanction other than a Private Admonition shall be published by the Court together with a summary of the complaint and the names of the Complainant and the Practitioner.
27. When imposing any sanction other than a Private Admonition, the Court may notify the fact to any Bar Association or similar body responsible for the supervision or regulation of the Practitioner concerned.

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