

Administrative Resolution No. (55) of 2022
Concerning the Committee for Violations
by Advocates and Legal Consultants
in the Emirate of Dubai

The Director General of the Government of Dubai Legal Affairs Department,

After perusal of:

Law No. (32) of 2008 Establishing the Government of Dubai Legal Affairs Department;

Executive Council Resolution No. (22) of 2011 Concerning Fees and Fines Prescribed for the Advocacy and Legal Consultancy Profession in the Emirate of Dubai;

Administrative Resolution No. (20) of 2021 Forming the Committee for Considering Grievances related to the Advocacy and Legal Consultancy Profession in the Emirate of Dubai, pursuant to Article (11) of the aforementioned Executive Council Resolution No. (22) of 2011;

Administrative Resolution No. (39) of 2021 Concerning the Committee for Violations of Advocates and Legal Consultants in the Emirate of Dubai and its amendments;

Administrative Resolution No. (51) of 2022 Adopting the Bylaws Concerning the Registration of Advocates and Legal Consultants in the Emirate of Dubai;

Administrative Resolution No. (52) of 2022 Adopting the Bylaws Concerning the Licensing of Advocacy and Consultancy Firms in the Emirate of Dubai;

Administrative Resolution No. (53) of 2022 Adopting the Bylaw Concerning the Continuing Legal Professional Development Program for Legal Consultants in the Emirate of Dubai; and

Administrative Resolution No. (54) of 2022 Concerning the Regulation of Disciplinary Accountability of Advocates and Legal Consultants in the Emirate of Dubai,

Does hereby issue this Resolution:

Article (1)

Definitions

The following words and expressions, wherever they appear in this Resolution, will have the meaning shown opposite to them unless the context implies otherwise:

| | | |
|-------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Emirate | : | The Emirate of Dubai. |
| Department | : | The Government of Dubai Legal Affairs Department. |
| Director General | : | The Director General of the Department. |
| Resolution | : | Executive Council Resolution No. (22) of 2011 Concerning Fees and Fines Prescribed for the Advocacy and Legal Consultancy Profession in the Emirate of Dubai. |

- Profession** : The advocacy and legal consultancy profession.
- Advocate** : A natural person registered with the Department and authorised by it to provide all Legal Services to the public.
- Legal Consultant** : A natural person registered with the Department and authorised by it to provide all Legal Services to the public except for advocacy and the representation of other parties before Dubai Courts (Courts of First Instance, Court of Appeal, and Court of Cassation).
- Firm** : An advocacy firm or legal consultancy firm licensed by the Department and competent entities in the Emirate.
- Directorate** : The Advocates and Legal Consultants Affairs Directorate of the Department.
- Committee** : The Committee for Violations by Advocates and Legal Consultants in the Emirate of Dubai formed pursuant to this Resolution.
- Grievances Committee** : The Committee for Reviewing Grievances related to the Advocacy and Legal Consultancy Profession in the Emirate of Dubai formed in the Department.

Article (2)

Formation of the Committee

- A- A committee to be known as "**The Committee for Violations by Advocates and Legal Consultants in the Emirate of Dubai**" (The "**Committee**"), is formed in the Department. The members of the Committee shall be appointed and its term will be determined by a resolution issued by the Director General.
- B- A rapporteur for the Committee shall be appointed from among the employees of the Department by a resolution issued by the Director General. The rapporteur shall send out invitations for Committee meetings, organize its agenda, prepare its minutes of hearings, follow-up on the implementation of its decisions and any carry out other duties assigned to the rapporteur by Chairperson of the Committee.

Article (3)

Functions of the Committee

The Committee shall have the authority to consider and take the necessary actions in respect of matters referred to it by the Directorate concerning:

- 1- violations committed by Advocates and Legal Consultants of the bylaws, resolutions and instructions issued by the Department with respect to registration and licensing, according to Article (9) of this Resolution.
- 2- Consequences of final court judgements convicting an Advocate or Legal Consultant of an offence involving a breach of honor and trustworthiness or undermining their professional ethics and duties.
- 3- Consequences of final disciplinary judgements or decisions issued by competent authorities inside or outside the Emirate against Advocates or Legal Consultants for an act that undermines professional ethics and duties.

Article (4)

Referral Procedures to the Committee

In respect of referral procedures for violations committed by Advocates and Legal Consultants to the Committee, the Directorate shall take the following:

- 1- record and monitor violations committed by Advocates and Legal Consultants through the audit reports it prepares in this regard. In the events that any of the measures set out in Article (9) of the aforementioned Executive Council Resolution No. (22) of 2011 and in the Department's bylaws issued by virtue of such Resolution are required to be taken, the Directorate will refer such violations mentioned in Clause (1) of Article (3) of this Resolution to the Committee.
- 2- prepare audit reports in respect of final court judgements and final disciplinary decisions and judgements referred to in Clauses (2) and (3) of Article (3) of this Resolution, whenever the consequences of such judgements and decisions constitute a violation of the duty of an Advocate or Legal Consultant to be of good character and conduct, or a conviction of an offence involving a breach of honour or trustworthiness, as stated in the Bylaws Concerning the Registration of Advocates and Legal Consultants adopted by the Department.

Article (5)

Working Mechanism of the Committee

- A- Committee hearings will be held in person at the Department's premises. The Committee may hold its hearings using audiovisual means of communication.
- B- Hearings of the Committee shall be convened at the invitation of the Chairperson or, in their absence, the Vice Chairperson. Attendance of majority members of the Committee constitutes a quorum, provided that the Chairperson or Vice Chairperson is present among them.
- C- Decisions of the Committee shall be made by majority vote of the members in attendance at the hearing. In the event of a tied vote, Chairperson of the meeting shall have the casting vote.
- D- The Committee shall give reasons for its decision.
- E- Decisions of the Committee must be recorded in minutes of meetings signed by Chairperson of the meeting and members in attendance at the hearing.

Article (6)

Attendance before the Committee

An Advocate or Legal Consultant shall be required to attend in person before the Committee. The Advocate or Legal Consultant may retain an Advocate or a Legal Consultant registered with the Department to represent them, if an acceptable reason is provided. The Committee may request the Advocate or Legal Consultant to attend in person. If the Advocate or Legal Consultant or their representative Advocate or Legal Consultant does not attend before the Committee in person, the Committee may issue its decision in default after verifying that the Advocate or Legal Consultant has been notified correctly.

Article (7)

Use of Modern Technology Means

Use of modern technology means shall be adopted for notification of the procedures for attending Committee hearings remotely, and for the exchange of documents, including but not limited to, the procedures for notification and investigation of a violation, notification of decisions issued by the Committee and grievances against such decisions.

Article (8)

Temporary Suspension

- A- The Committee may, upon a request submitted by the Directorate, if there are enough grounds, temporarily suspend an Advocate or Legal Consultant from practising the Profession in the event of a pre-trial detention decision or referral order to the competent court is issued, and until final court judgement or decision is rendered by the competent court with the regard to the crime attributed to the Advocate or Legal Consultant.
- B- An Advocate or Legal Consultant may submit a grievance to the Grievances Committee, within thirty (30) days from the date of being notified of the decision. The aforementioned Committee shall review and adjudicate the grievance within ten (10) days from the date of referring the matter to it.

Article (9)

Measures Taken by the Committee

- A- The Committee will review the violations referred to it pursuant to clause (1) of Article (3) of this Resolution. The Committee may decide to take, in relation to a violation, any of the measures set out in Article (9) of the Resolution and in the Department's bylaws issued pursuant to such Resolution. Such measures include the following:
- 1- Suspension of the Advocate or Legal Consultant from practicing the Profession for a period not exceeding one (1) year.
 - 2- Cancelling the registration of the Advocate or Legal Consultant.
 - 3- Temporary suspension of the Firm's licence of for a period not exceeding one (1) year.
 - 4- Revocation of the Firm's licence.
- B- The Committee may, when reviewing matters referred to it pursuant to clauses (2) and (3) of Article (3) of this Resolution, decide to take any of the following sanctions:
- 1- Written notice;
 - 2- Written warning;
 - 3- Suspension the Advocate or Legal Consultant from practice for a period not exceeding one (1) year; or
 - 4- Striking off the Advocate or Legal Consultant from the Roll of Advocates or Roll of Legal Consultants.

Article (10)

Grievances against Decisions of the Committee

- A- Without prejudice to the provisions of paragraph (B) of Article (8) of this Resolution, an Advocate or Legal Consultant may submit in writing a grievance in respect of the decisions issued against them, pursuant to Article (11) of the Resolution, within sixty (60) days commencing the day following the date of notifying them of the decision subject of grievance. Grievances shall be considered and decided by the Grievances Committee.
- B- The Directorate may submit to the Grievances Committee an objection, based upon a written request setting out its objections, against the decision issued by the Committee within the period mentioned in paragraph (A) of this Article commencing the day following the date of issuance of the decision.

Article (11)

Enforcement of Committee Measures

- A- A decision issued by the Committee in respect of the measures taken against the Advocate or Legal Consultant, according to the provisions of this Resolution, shall be effective upon becoming final.
- B- The Directorate shall communicate to the Advocate or Legal Consultant decisions issued by the Committee and the Grievances Committee.
- C- The Department shall determine the obligations that must be undertaken by the Advocate, Legal Consultant or the Managing Partner of a Firm when a decision to suspend them from practising the Profession or to strike them off the Roll is issued, in respect of the Legal Services provided by them or managing the Firm, all in accordance with the rules and procedures put in place by the Department in this regard.

Article (12)

Supersession and Repeals

This Resolution supersedes the aforementioned Administrative Resolution No. (39) of 2021, notwithstanding that any resolutions and instructions issued pursuant to such Resolution shall remain in force to the extent that they do not conflict with the provisions of this Resolution.

Article (13)

Publication and Commencement

This Resolution shall be published in the Official Gazette and shall take effect from the date of its publication.

[Signed]

Dr. Lowai Mohamed Khalfan Belhoul

Director General

Issued in Dubai on: 21 December 2022

Corresponding to: 27 Jumada Al-Uola 1444