

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

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

After perusal of:

Article (5/15) of Law No. (32) of 2008 Establishing the Government of Dubai Legal Affairs Department which provides for the Department's functions to license the advocacy and legal consultancy profession, and advocacy and legal consultancy firms, monitor their practice, and issue the required regulations, bylaws and resolutions for this;

Law No. (8) of 2016 Granting the Capacity of Judicial Officer in the Government of Dubai and its Implementing Bylaw;

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. (11) of 2012 Granting Certain Employees of the Government of Dubai Legal Affairs Department the Capacity of Judicial Officer;

Administrative Resolution No. (112) of 2017 Concerning the Professional Conduct Committee for Advocates and Legal Consultants 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; and

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

Does hereby issue this Resolution:

Article (1)

Definitions

The following words and expressions, wherever they appear in this Resolution, shall have the meaning set out opposite each of them below 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.
Profession	: The advocacy or 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.
Legal Services	: All legal services which Advocates or Legal Consultants are authorised to provide in the Emirate, including but not limited to advocacy and the representation other parties before judicial bodies, arbitration and conciliation tribunals and centres, and administrative entities; providing legal opinions and advice; drafting contracts; and other legal services.
Directorate	: The Advocates and Legal Consultants Affairs Directorate of the Department.
Professional Conduct Committee (Committee)	: The committee formed in the Department pursuant to the provisions of this Resolution to review and adjudicate Misconduct and Professional Violations attributed to Advocates and Legal Consultants and to impose the appropriate disciplinary sanctions as provided for in the rules and procedures stipulated by this Resolution.
Grievances Committee	: The committee formed in the Department pursuant to the provisions of this Resolution to review and decide on grievances submitted to the committee by a party to a Complaint, and objections submitted by the Directorate against a decision issued by the Committee pursuant to the rules and procedures stipulated by this Resolution.
Violation	: A Misconduct Violation or Professional Violation committed by Advocates and Legal Consultants as set out in Article (4) of this Resolution.
Audit Reports	: Documents prepared by the Directorate which set out evidence of Violations attributed to an Advocate or Legal Consultant.
Complaint	: A written request submitted by a natural or legal person pursuant to the provisions of this Resolution reporting the occurrence of a Violation by an Advocate or a Legal Consultant.

- Grievance** : A written request submitted by one of the parties to a Complaint pursuant to the provisions of this Resolution in which they express their non-acceptance of a decision issued by the Committee.
- Objection** : A written request submitted by the Directorate pursuant to the provisions of this Resolution setting out its objections to the decision issued by the Committee.

Article (2)

Objectives of the Resolution

This Resolution aims to regulate the rules and procedures for receiving Complaints, recording and investigating Misconduct Violations and Professional Violations attributed to Advocates and Legal Consultants registered with the Department, and imposing appropriate disciplinary sanctions in that regard, in light of the Department's function in monitoring their practice, in a manner that enhances the efficiency of the Legal Services provided in the Emirate.

Article (3)

Scope of Application

The provisions of this Resolution will apply to:

- 1- Advocates and Legal Consultants registered on the Roll of Advocates or Legal Consultants with the Department.
- 2- Firms licensed to provide Legal Services to the public in the Emirate including free zones and the Dubai International Financial Centre

Article (4)

Types of Violations

The following shall constitute a Violation attributed to Advocates or Legal Consultants:

- 1- A Misconduct Violation, being any action that discredits and is inconsistent with the dignity, ethics and customs of the Profession.
- 2- A Professional Violation, being any professional mistake that demonstrates a deviation from the minimum basic principles of law, or ignorance of the facts relating to legal practice.

Article (5)

Recording Violations

The Directorate shall record Violations attributed to Advocates and Legal Consultants on the basis of Audit Reports or Complaints received against such Advocates and Legal Consultants pursuant to the procedures stipulated by this Resolution.

Article (6)

Preparing Audit Reports

When preparing Audit Reports, the Directorate shall take the following measures:

- 1- Determine the facts and gather information relating to the material facts that may amount to Violations attributed to an Advocate or Legal Consultant.
- 2- Notify the Advocate or Legal Consultant of the material facts attributed to them so as they can respond within the specified period in this regard. The Directorate may summon the Advocate or Legal Consultant to hear their statements and require them to provide any other relevant documentation.
- 3- Prepare an Audit Report of the Violations attributed to the Advocate or Legal Consultant, and their response.
- 4- Refer the Audit Report referred to in Clause (3) of this Article to the Committee, in accordance with the approved procedures in this regard.

Article (7)

Procedures for Receiving and Reviewing Complaints

- A- A Complaint shall be filed, with supporting documents for the Complaint, against an Advocate, Legal Consultant or Firm on the form approved by the Department in this regard.
- B- Upon receipt of a Complaint, the Directorate, shall take the following measures:
 - 1- Notify the Advocate or Legal Consultant of the Complaint filed against them as well as the Managing Partner of the Firm in which they practice. If the Complaint has been filed against a Firm without specifying the name of a particular Advocate or Legal Consultant against whom the Complaint is filed, the Managing Partner of such firm shall be notified. In all cases, the party against whom the Complaint is filed and the Managing Partner of the relevant Firm shall respond to the Complaint in writing within the specified period in this regard.
 - 2- Prepare a report setting out the facts of the Complaint, the response of the Advocate or Legal Consultant against whom the Complaint is filed, and the Violation attributed to them. The Directorate may summon any of the parties to the Complaint to hear their statements and require them to provide any missing information or other documentation related to the Complaint.
 - 3- Refer the report mentioned in sub-paragraph (2) of this Article to the Committee pursuant to the approved procedures in this regard.
- C- Withdrawal or settlement of the Complaint shall not justify abatement by the Directorate from continuing to review the Complaint and referring it to the Committee if the Directorate determines that the facts attributed to the Advocate or Legal Consultant constitute a Violation which warrants disciplinary actions pursuant to the provisions of this Resolution.

Article (8)

Formation of the Professional Conduct Committee

- A- A committee to be known as “**The Professional Conduct Committee for Advocates and Legal Consultants**” (the Committee) shall be formed in the Department. The Committee shall consist of a Chairperson, a Vice Chairperson and a sufficient number of members appointed by a resolution issued by the Director General.
- B- The Committee shall have one sub-committee or more. The Chairperson, Vice Chairperson and members of each sub-committee shall be appointed by a resolution issued by the Director General.
- C- Each sub-committee shall undertake the duties and functions of the Committee pursuant to the rules and provisions stipulated in this Resolution.
- D- A rapporteur for the Committee and each sub-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, prepare its minutes of hearings, follow-up on the implementation of its decisions and any carry out other duties assigned to the rapporteur by the Committee or sub-committee, as appropriate.

Article (9)

Functions of the Professional Conduct Committee

- A- The Committee shall review and adjudicate Violations attributed to Advocates and Legal Consultants by examining Audit Reports and Complaints referred to it, and impose the appropriate sanctions in accordance with the provisions of this Resolution.
- B- According to the provisions of paragraph (A) of this Article, the Committee shall have the authority to adjudicate if the acts attributed to an Advocate or Legal Consultant occurred fully or partially with the Emirate.
- C- Notwithstanding paragraph (B) of this Article, the Directorate may refer the Advocate or the Legal Consultant to the Committee to review and adjudicate an act they committed outside the Emirate, if such act amounts to a Misconduct Violation or Professional Violation pursuant to the legislation in force in the Emirate organizing the Profession, and in accordance with the rules set out by the Department in this regard.

Article (10)

Powers and Duties of the Professional Conduct Committee

- A- In order to perform its functions as stipulated in Article (9) of this Resolution, the Committee shall:

- 1- Investigate the Violation including taking statements from the complainant and witnesses, and questioning the Advocate or Legal Consultant about the Violation attributed to them.
 - 2- Require the provision of any documents or records relevant to the subject of the Violation.
 - 3- Seek the assistance of whoever the Committee deems appropriate from among the employees of the Department or external parties to assist the Committee in performing its functions.
 - 4- Any other procedures set by the Committee to prove or disprove the Violation.
- B- The Committee must limit its investigation to the subject of the Violation referred to it and associated facts. In the event that any other facts that come to its attention, that may form another Violation which is not related to and an integral part of the Violation under review by the Committee, the Committee must then refer this to the Directorate to take the necessary actions in this regard pursuant to the provisions of this Resolution.
- C- During the performance of its duties, the Committee must observe the legislation in force in the Emirate, bylaws implemented by the Department, rules of justice and fairness, and customs regulating the Profession.

Article (11)

Working Mechanism of the Professional Conduct Committee

- A- Hearings of the Committee shall 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.
- C- Attendance of majority members of the Committee constitutes a quorum, provided that the Chairperson or Vice Chairperson is present among them.
- D- 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. 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.
- F- Hearings and deliberations of the Committee shall be confidential and no part of them may be disclosed. No copy of the information recorded in the minutes of hearings may be made, unless by a decision of its Chairperson.

Article (12)

Attendance before the Professional Conduct Committee

An Advocate or Legal Consultant against whom a Complaint is filed or to whom a Violation is attributed 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 whom the Violation is attributed that they 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 (13)

Use of Modern Technology Means

The use of modern technology means may be used for notification of the procedures for attending Committee hearings remotely, and for the exchange of documents, including but not limited to, registration, notification and investigation of the Complaint, and notification of the decisions issued by the Committee and grievances against such decisions.

Article (14)

Disciplinary Sanctions

- A- If it is proven that an Advocate or Legal Consultant has committed a Violation, the Committee shall impose any of the following disciplinary sanctions:
- 1- Written notice which includes details of the Violation and directing the Advocate or Legal Consultant not to repeat it in the future;
 - 2- Written warning;
 - 3- Suspension from practice for a period not exceeding two (2) years; or
 - 4- Striking off the Advocate or Legal Consultant from the Roll of Advocates or Roll of Legal Consultants.

Article (15)

Grievances against Decisions of the Professional Conduct Committee

- A- If a decision is issued by the Committee to close the Complaint, fully or partially, the Advocate or Legal Consultant, or the person who filed the Complaint against any of them may submit a written grievance to the Grievances Committee against the decision within thirty (30) days commencing the day following the date of notifying them of the decision.

- B- The Directorate may submit an objection to the Grievances Committee against a 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 (16)

Formation of the Grievances Committee

- A- A committee to be known as “**The Grievance Committee to consider Decisions of the Professional Conduct Committee for Advocates and Legal Consultants**” (the **Grievance Committee**) shall be formed in the Department. A resolution concerning the formation of the Grievance Committee and appointment of its members shall be issued by the Director General.
- B- A rapporteur for the Grievance Committee shall be appointed from among the employees of the Department by a resolution issued by the Director General. The rapporteur shall send out invitation for Grievance Committee hearings, prepare minutes of its hearings, follow-up on the implementation of its decisions and any other duties assigned by the Grievance Committee.

Article (17)

Functions of the Grievances Committee

- A- The Grievances Committee will review and adjudicate the grievances and objections referred to in paragraphs (A) and (B) of Article (15) of this Resolution, whether by affirming, modifying, or overturning the Professional Conduct Committee’s decision. A decision issued by the Grievances Committee concerning the grievance shall be final.
- B- Articles (10), (11), (12), (13) and (14) of this Resolution shall apply to the Grievance Committee when carrying out its functions.

Article (18)

Enforcement of Disciplinary Sanctions

- A- A decision issued by the Committee to suspend or strike off an Advocate or Legal Consultant shall be effective upon becoming final.
- B- The Directorate shall notify the Advocate, Legal Consultant and the complainant of the decisions issued by the Professional Conduct Committee and 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 pursuant to the provisions of this Resolution, and in

accordance with the legislation regulating the Profession and the bylaws, decisions and instructions issued by the Department.

- D- The Department shall determine the obligations of the Managing Partner of the Firm in which an Advocate or Legal Consultant practices in the event that a decision to suspend or strike off such Advocate or Legal Consultant from the Roll is issued.

Article (19)

Supersession and Repeals

This Resolution supersedes the aforementioned Administrative Resolution No. (112) of 2017, notwithstanding that resolutions and instructions issued pursuant to that resolution shall remain in force to the extent that they do not conflict with the provisions of this Resolution.

Article (20)

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