

Administrative Resolution No. (54) of 2022
Concerning the Disciplinary Accountability Regulations for
Advocates and Legal Consultants in the
Emirate of Dubai¹

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 (the "LAD"), which stipulates that the LAD is in charge of licensing advocacy and legal consultancy professions and firms; monitoring their practice; and issuing the required regulations, bylaws, and resolutions;

Law No. (8) of 2016 Regulating the Grant of Law Enforcement Capacity 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 Law Enforcement Capacity;

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 Approving the Bylaws Concerning the Registration of Advocates and Legal Consultants in the Emirate of Dubai; and

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

Does hereby issue this Resolution.

Definitions
Article (1)

The following words and expressions wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

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

Emirate:	The Emirate of Dubai.
LAD:	The Government of Dubai Legal Affairs Department.
Director General:	The director general of the LAD.
Profession:	The advocacy or legal consultancy profession.
Advocate:	A natural person who is registered with, and authorised by, the LAD to provide all Legal Services to the public.
Legal Consultant:	A natural person who is registered with, and authorised by, the LAD to provide all Legal Services to the public, except for Pleading and the representing others before the Dubai Courts (comprising the Courts of First Instance, the Court of Appeal, and the Court of Cassation).
Firm:	An Advocacy Firm or legal consultancy firm licensed by the LAD and other competent entities in the Emirate.
Legal Services:	The legal services which an Advocate or Legal Consultant is authorised to provide in the Emirate. These include, but are not limited to, Pleading; representing others before judicial authorities, arbitration and conciliation tribunals and centres, and administrative entities; providing legal opinion and advice; drafting contracts; and providing other legal services.
Directorate:	The Advocates and Legal Consultants Affairs Directorate of the LAD.
Committee:	The Professional Conduct Committee formed within the LAD pursuant to the provisions of this Resolution to consider and determine Violations attributed to Advocates and Legal Consultants; and to impose the appropriate disciplinary penalties on them, in accordance with the rules and procedures stipulated in this Resolution.
Grievance Committee:	The committee formed within the LAD pursuant to the provisions of this Resolution to consider and determine the Grievances submitted to it by a party to a Complaint and the Objections submitted by the Directorate against a decision issued by the Committee, in accordance with the rules and procedures stipulated in this Resolution.
Violation:	A Misconduct or Professional Violation attributed to an Advocate or Legal Consultant as set out in Article (4) of this Resolution.

Audit Report:	A document prepared by the Directorate stating the Violations attributed to an Advocate or Legal Consultant.
Complaint:	A written application submitted by a natural or legal person pursuant to the provisions of this Resolution, reporting a Violation by an Advocate or a Legal Consultant.
Grievance:	A written application submitted by a party to a Complaint pursuant to the provisions of this Resolution, challenging a decision issued by the Committee.
Objection:	A written application submitted by the Directorate pursuant to the provisions of this Resolution, setting out the grounds for challenging the decision issued by the Committee.

Objectives of this Resolution Article (2)

This Resolution aims to prescribe the rules and procedures for receiving Complaints, recording and investigating Violations attributed to the Advocates and Legal Consultants registered with the LAD, and imposing the appropriate disciplinary penalties in respect thereof, in light of the LAD function to monitor the conduct of the Profession, with a view to enhancing the efficiency of the Legal Services provided in the Emirate.

Scope of Application Article (3)

This Resolution applies to:

1. the Advocates and Legal Consultants registered on the Roll maintained by the LAD; and
2. the Firms licensed to provide Legal Services to the public in the Emirate, including in free zones, such as the Dubai International Financial Centre.

Types of Violations Article (4)

Violations attributed to Advocates or Legal Consultants are categorised as follows:

1. **Misconduct:** Any action that discredits and is inconsistent with the integrity, ethics, and customs of the Profession.
2. **Professional Violations:** Any professional error that constitutes a deviation from the basic principles of law or reflects ignorance of the facts relating to legal practice.

Detecting Violations Article (5)

The Directorate will, in accordance with the procedures prescribed in this Resolution, detect the Violations attributed to Advocates and Legal Consultants through Audit Reports or the Complaints filed against them.

Preparing Audit Reports Article (6)

In preparing Audit Reports, the Directorate will:

1. gather information and investigate the veracity of the acts attributed to an Advocate or a Legal Consultant and that may constitute a Violation;
2. notify the Advocate or Legal Consultant of the acts attributed to him and to enable him to respond to the same in writing within the prescribed time frame. The Directorate may summon the Advocate or Legal Consultant to hear his statement, or require him to provide any other relevant documentation;
3. prepare an Audit Report on the Violation attributed to the Advocate or Legal Consultant, and on his response thereto; and
4. refer the Audit Report referred to in paragraph (3) of this Article to the Committee, in accordance with the relevant approved procedures.

Procedures for Receiving and Considering Complaints Article (7)

- a. A Complaint will be filed against an Advocate, a Legal Consultant, or a Firm on the relevant form prescribed by the LAD, together with the documents supporting the Complaint.
- b. Upon receipt of a Complaint, the Directorate will:
 1. notify the Advocate or Legal Consultant, as well as the Managing Partner of the Firm with which the Advocate or Legal Consultant is affiliated, of the filed Complaint. Where the Complaint is filed against a Firm without specifying the name of a particular Advocate or Legal Consultant, the Managing Partner of the Firm will be notified of the filed Complaint. In all events, the party against whom the Complaint is filed and the Managing Partner of the Firm must respond to the Complaint in writing within the prescribed time frame;
 2. prepare a report stating the facts of the Complaint, the response of the Advocate or Legal Consultant against whom the Complaint is filed, and the Violation attributed to him. The Directorate may summon any of the parties to the Complaint to hear his statement, or request any additional information or documents related to the Complaint; and

3. refer the report mentioned in sub-paragraph (b)(2) of this Article to the Committee, in accordance with the relevant approved procedures.
- c. Withdrawal or settlement of the Complaint between the concerned parties will not preclude the Directorate from continuing to consider the Complaint and referring it to the Committee if it is established by the Directorate that the acts attributed to the Advocate or Legal Consultant constitute a Violation warranting disciplinary action, in accordance with the provisions of this Resolution.

Formation of the Committee

Article (8)

- a. A committee named the "Professional Conduct Committee for Advocates and Legal Consultants" will be formed at the LAD. The Committee will be comprised of a chairman, a vice chairman, and a sufficient number of members to be appointed by a resolution of the Director General.
- b. The Committee will have one or more sub-committees. The chairman, vice chairman, and members of each sub-committee will be appointed by a resolution of the Director General.
- c. Each sub-committee will perform the duties and functions of the Committee, in accordance with the rules and provisions stipulated in this Resolution.
- d. A rapporteur will be appointed to the Committee and each of its sub-committees from amongst the employees of the LAD pursuant to a resolution issued by the Director General. The rapporteur will be responsible for sending invitations for meetings, preparing minutes of its meetings, following up the implementation of resolutions, and performing any other duties assigned to him by Committee or sub-committee, as the case may be.

Functions of the Committee

Article (9)

- a. The Committee will have the jurisdiction to consider and determine the Violations attributed to Advocates and Legal Consultants by examining the Audit Reports and Complaints referred to it, and to impose the appropriate penalties on violating Advocates and Legal Consultants, in accordance with the provisions of this Resolution.
- b. The Committee's jurisdiction under paragraph (a) of this Article applies where the acts attributed the Advocate or Legal Consultant are committed fully or partially within the Emirate.
- c. Notwithstanding the provisions of paragraph (b) of this Article, the Directorate may, based on a Complaint filed with it, refer the Advocate or the Legal Consultant to the Committee to consider and determine an act he has committed outside of the Emirate, where the act constitutes a Misconduct or Professional Violation under the applicable legislation regulating the Profession in the Emirate, in accordance with the relevant rules prescribed by the LAD.

Duties and Powers of the Committee
Article (10)

- a. In performing its functions under Article (9) of this Resolution, the Committee will have the authority to:
 - 1. investigate Violations, including hearing statements of the complainants and witnesses, and confronting the Advocates or Legal Consultants in respect of the Violations attributed thereto;
 - 2. request any documents relevant to the Violations;
 - 3. seek the assistance of any employees of the LAD or any other persons, as the Committee deems appropriate, to assist it in performing its functions; and
 - 4. take any other action it deems necessary to prove or dismiss Violations.
- b. The Committee must limit its investigation to the Violation referred to it and to the material facts associated therewith. Where the Committee uncovers any facts that may constitute a separate Violation not inextricably linked to the original Violation under consideration, it must refer the new Violation to the Directorate to take the necessary action in respect thereof, in accordance with the provisions of this Resolution.
- c. In performing its duties, the Committee must comply with the legislation in force in the Emirate, the bylaws applicable at the LAD, the rules of justice and equity, and the norms governing the ethics of the Profession.

Terms of Reference of the Committee
Article (11)

- a. Hearings of the Committee will be held in person at the LAD premises. The Committee may hold its hearings using audiovisual means of telecommunication.
- b. The Committee will convene at the invitation of its chairman, or vice chairman where the chairman is absent.
- c. Hearings of the Committee will be valid if attended by the majority of its members, provided that its chairman or vice chairman is in attendance.
- d. The Committee will pass its decisions by majority vote of the attending members, and in the event of a tie, the chair of the hearing will have a casting vote.
- e. Decisions of the Committee will be recorded in minutes signed by the chair of the meeting and the attending members.

- f. Hearings and deliberations of the Committee will be held in camera and may not be disclosed. No copies of the information recorded in the minutes of Committee hearings may be made without the chairman's decision.

Appearing before the Committee Article (12)

An Advocate or Legal Consultant against whom a Complaint is filed or to whom a Violation is attributed must appear in person before the Committee. The Advocate or Legal Consultant may appoint an Advocate or a Legal Consultant registered with the LAD to represent him, subject to providing a valid reason. The Committee may request the Advocate or Legal Consultant, to whom the Violation is attributed, to appear before it in person. Where he fails to appear in person, or to appoint a legal representative, the Committee may issue its decision in absentia upon verifying that the Advocate or Legal Consultant has been duly notified.

Utilising Modern Technology Article (13)

Modern technology may be used for serving notices of the procedures for attending hearings of the Committee remotely and for exchanging documents, including but not limited to, those related to filing a Complaint, serving notifications, investigating the Complaint, announcing the decisions issued by the Committee, and filing Grievances against such decisions.

Disciplinary Penalties Article (14)

Where it is established that an Advocate or Legal Consultant has committed a Violation, the Committee will impose against him any of the following disciplinary penalties:

1. serving a written notice stating the details of the Violation, and warning him against repeating the Violation in the future;
2. serving a written warning;
3. suspending him from practice for a period not exceeding two (2) years; or
4. striking off him from the Roll of Advocates or Roll of Legal Consultants.

Grievances against Decisions of the Committee Article (15)

- a. Where a decision is issued by the Committee to fully or partially close the Complaint, the Advocate or Legal Consultant, or the person who filed the Complaint against any of them may

submit a written Grievance to the Grievance Committee against the decision within thirty (30) days from the day following the day on which he was notified of the decision.

- b. The Directorate may submit an Objection to the Grievance Committee against a decision issued by the Committee within the time frame referred to in paragraph (a) of this Article, commencing the day following the date of issuance of the decision.

Formation of the Grievance Committee Article (16)

- a. A committee named the "Committee for Grievances against Decisions of the Professional Conduct Committee for Advocates and Legal Consultants" (the "Grievance Committee") will be formed in the LAD, pursuant to a resolution of the Director General, which will nominate its members.
- b. A rapporteur will be appointed to the Grievance Committee, from amongst the LAD employees, pursuant to a resolution of the Director General. The rapporteur will be responsible for sending invitations to the Grievance Committee hearing, recording its minutes, following up the implementation of its decisions, and performing any other duties assigned to him by the Grievance Committee.

Functions of the Grievance Committee Article (17)

- a. The Grievance Committee will have the jurisdiction to consider and determine the Grievances and Objections referred to in paragraphs (a) and (b) of Article (15) of this Resolution, whether by upholding, amending, or overruling the relevant Committee's decision. The decision issued by the Grievance Committee on the Grievance will be final.
- b. In exercising its functions, the Grievance Committee will be governed by the provisions of Articles (10), (11), (12), (13), and (14) of this Resolution.

Enforcement of Disciplinary Penalties Article (18)

- a. The decision issued by the Committee to suspend or strike off an Advocate or Legal Consultant will be enforceable upon becoming final.
- b. The Directorate will notify the Advocate or Legal Consultant, and the complainant, of the decisions issued by the Committee and the Grievance Committee.
- c. The LAD will determine the obligations of the Advocate, Legal Consultant, or the Managing Director of the Firm, where a decision is issued pursuant to the provisions of this Resolution to suspend the Advocate or Legal Consultant or strike him off the Roll. These obligations will

be determined in accordance with the legislation regulating the Profession and the bylaws, resolutions, and instructions issued by the LAD.

- d. The Department will determine the obligations of the Managing Director of the Firm in the event that a decision to suspend the Advocate or Legal Consultant, or to strike him off the Roll, is issued.

Supersession and Repeals Article (19)

This Resolution supersedes the above-mentioned Administrative Resolution No. (112) of 2017. The resolutions and instructions issued in implementation thereof will continue in force to the extent that they do not contradict this Resolution.

Publication and Commencement Article (20)

This Resolution will be published in the Official Gazette and will come into force on the day on which it is published.

Dr. Lowai Mohamed Khalfan Belhoul
Director General
Government of Dubai Legal Affairs Department

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