

Administrative Resolution No. (55) of 2022
Concerning the Committee for Violations by
Advocates and Legal Consultants in the Emirate of Dubai¹

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 the 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;

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

Administrative Resolution No. (52) of 2022 Approving the Bylaw Concerning the Licensing of Legal Consultancy Firms in the Emirate of Dubai;

Administrative Resolution No. (53) of 2022 Approving the Bylaw Concerning the Continuing Legal Professional Development Programme 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.

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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.

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:

Emirate:	The Emirate of Dubai.
LAD:	The Government of Dubai Legal Affairs Department.
Director General:	The director general of the LAD.
Resolution:	Executive Council Resolution No. (22) of 2011 Concerning the 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 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 Pleading and representing third parties before the Dubai Courts, including the Courts of First Instance, the Court of Appeal, and the Court of Cassation.
Firm:	An Advocacy Firm or a Legal Consultancy Firm licensed by the LAD and other competent entities in the Emirate.
Directorate:	The Advocates and Legal Consultants Affairs Directorate of the LAD.
Committee:	The Committee for Violations by Advocates and Legal Consultants formed pursuant to this Resolution.
Grievances Committee:	The committee formed in the LAD to determine grievances related to the Advocacy and Legal Consultancy Profession in the Emirate of Dubai.

Formation of the Committee

Article (2)

- a. A committee named the "Committee for Violations by Advocates and Legal Consultants in the Emirate of Dubai" is hereby formed at the LAD. The members of the Committee will be appointed, and its tenure will be determined, by a resolution issued by the Director General.
- b. A rapporteur will be appointed to the Committee from among the employees of the LAD by a resolution of the Director General. The rapporteur will be responsible for sending invitations for Committee meetings, preparing its meeting agendas, recording the minutes of its meetings, following up the implementation of its resolutions, and performing any other duties assigned to him by the chairman of the Committee.

Functions of the Committee

Article (3)

The Committee will have the jurisdiction to consider, and take the necessary action in, the matters referred to it by the Directorate in respect of:

1. the violations committed by Advocates and Legal Consultants of the Registration and licensing bylaws, resolutions, and instructions issued by the LAD, in accordance with the provisions of Article (9) hereof;
2. the final court judgements convicting Advocates or Legal Consultants of crimes affecting honour or trustworthiness or compromising the code of ethics and duties of the Profession; and
3. the final disciplinary judgements or decisions issued by the competent authorities within and outside of the Emirate against Advocates or Legal Consultants for acts that compromise the ethics and duties of the Profession.

Procedures for Referral to the Committee

Article (4)

In referring the violations committed by Advocates and Legal Consultants to the Committee, the Directorate will follow these procedures:

1. monitor and record the violations committed by Advocates and Legal Consultants through the Audit Reports it prepares in this respect. Where any of the actions stipulated in Article (9) of this Resolution and in the bylaws issued by the LAD in pursuance hereof, are required to be taken, the Directorate will refer the violations referred to in paragraph (1) of Article (3) of this Resolution to the Committee; and

2. prepare Audit Reports on the final court judgements and final disciplinary decisions and judgements referred to in paragraphs (2) and (3) of Article (3) of this Resolution, whenever such judgements and decisions relate to a breach by an Advocate or Legal Consultant of the duty to uphold good character and repute, or result in an Advocate or Legal Consultant being convicted of a crime affecting honour or trustworthiness, as stated in the Advocates and Legal Consultants Registration bylaws adopted by the LAD.

Terms of Reference of the Committee

Article (5)

- a. The Committee will convene in person at the LAD's head office. Meetings of the Committee may be held remotely using audio-visual means of communication.
- b. The Committee will convene at the invitation of its Chairman or vice chairman if the Chairman is absent. Meetings of the Committee will be valid if attended by the majority of its members, provided that the chairman or vice chairman is in attendance.
- c. The Committee will pass its resolutions by majority vote of attending members, and in the event of a tie, the chair of the meeting will have a casting vote.
- d. The decisions of the Committee must be reasoned.
- e. The meetings of the Committee will be recorded in minutes signed by the chair of the meeting and the attending members.

Appearance before the Committee

Article (6)

An Advocate or Legal Consultant will be required to appear in person before the Committee. The Advocate or Legal Consultant may retain an Advocate or a Legal Consultant registered with the LAD to represent him, if an acceptable reason is provided. The Committee may request the Advocate or Legal Consultant to attend in person. Where the Advocate or Legal Consultant or his representative Advocate or Legal Consultant fails to appear before the Committee in person, the Committee may issue its decision in default after verifying that the Advocate or Legal Consultant has been duly summoned.

Use of Modern Technology

Article (7)

Use of modern technology is hereby approved for notification of the procedures for the remote attendance of the Committee's hearings and for the exchanging of documents. This includes, but is not

limited to, violation notification procedures, notification of investigations into the violation, notification of decisions issued by the Committee and of grievances against such decisions.

Temporary Suspension

Article (8)

- a. The Committee may, upon a request submitted by the Directorate, and based on adequate 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 regard to the crime attributed to him.
- 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 to suspend him from practising the Profession. The Grievances Committee will consider and determine the grievance within ten (10) days from the date of submitting the grievance.

Actions Taken by the Committee

Article (9)

- a. The Committee will consider the violations referred to it pursuant to the provisions of paragraph (1) of Article (3) of this Resolution. The Committee may take, against the violator, any of the actions stipulated in Article (9) of the Resolution and in the bylaws issued by the LAD in pursuance hereof, including:
 1. suspending the Advocate or Legal Consultant from practising the Profession for a period not exceeding one (1) year;
 2. striking the Advocate or Legal Consultant off the Roll;
 3. suspending the Licence of the Firm for a period not exceeding one (1) year; and/or
 4. revocation of the Licence of the Firm.
- b. The Committee may, in considering the matters referred to it pursuant to paragraphs (2) and (3) of Article (3) of this Resolution, take any of the following actions:
 1. serving a written notice;
 2. serving a written warning;

3. suspending the Advocate or Legal Consultant from practising the Profession for a period not exceeding one (1) year; or
4. striking the Advocate or Legal Consultant off the Roll.

Grievances against Committee Decisions

Article (10)

- a. Without prejudice to the provisions of paragraph (b) of Article (8) of this Resolution, an Advocate or Legal Consultant may submit a written grievance against any decision taken against him under this Resolution. The grievance must be submitted within sixty (60) days commencing from the day following the date of being notified of the contested decision, in accordance with the provisions of Article (11) of the Resolution. The grievance will be heard and determined by the Grievances Committee.
- b. The Directorate may submit to the Grievances Committee a reasoned written objection against the Committee's decision within the period set out in paragraph (a) of this Article commencing from the day following the date of issuance of the decision.

Enforcement of Committee Measures

Article (11)

- a. A decision issued by the Committee in respect of the actions taken against an Advocate or Legal Consultant under this Resolution, will be enforceable upon becoming final.
- b. The Directorate will inform the Advocate or Legal Consultant of the decisions issued by the Committee and the Grievances Committee.
- c. Where a decision to suspend an Advocate, Legal Consultant, or Managing Partner from practising the Profession or to strike him off the Roll is issued, the LAD will determine the obligations of the Advocate, Legal Consultant, or Managing Partner in respect of the Legal Services he provides or the Firm he manages, as the case may be, in accordance with the rules and procedures prescribed by the LAD in this respect.

Supersession and Repeals

Article (12)

This Resolution supersedes the above-mentioned Administrative Resolution No. (39) of 2021. The resolutions and instructions issued in implementation of the superseded resolution will continue in force to the extent that they do not contradict the provisions of this Resolution.

Publication and Commencement
Article (13)

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

Issued in Dubai on 21 December 2022
Corresponding to 27 Jumada al-Ula 1444 A.H.