



ADGM Courts Rules of Conduct 2016



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**ADGM COURTS
RULES OF CONDUCT 2016**

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The Chief Justice of ADGM Courts, acting under a power delegated to him by the Board of Directors of Abu Dhabi Global Market, makes the following rules under section 228 of ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015, which may be cited as the Rules of Conduct 2016.

1. Scope and Objective

- (1) The Rules of Conduct of the ADGM Courts (“Rules”) apply to lawyers appearing before the ADGM Courts.
- (2) The purpose of these Rules is to assist lawyers to act ethically and in accordance with the principles set out in these Rules.
- (3) Lawyers must comply with the Rules, notwithstanding any provision to the contrary in any rules of conduct to which they are subject in any other jurisdiction in which the lawyers are duly authorised to practise law.
- (4) Failure to comply with these Rules may give rise to sanctions by the Courts in accordance with Rule 10 of these Rules.

2. Interpretations

- (1) In these Rules –
 - (a) “ADGM” means the Abu Dhabi Global Market, the financial free zone established by Federal Decree No. (15) of 2013 issued by the President of the United Arab Emirates, as delimited by Resolution No. (4) of 2016 of the Cabinet of the United Arab Emirates and as governed by Law No. (4) of 2013 concerning the Abu Dhabi Global Market;
 - (b) “ADGM Courts”, “Courts” or “Court” means the Court of First Instance and the Court of Appeal of the Abu Dhabi Global Market;
 - (c) “the ADGM Court Procedure Rules” means the ADGM Court Procedure Rules 2016;
 - (d) “the ADGM Courts Regulations” means the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015; and
 - (e) “lawyer” means a lawyer who is authorised to practice law in any jurisdiction by the body authorized to regulate the admission, licensing and conduct of lawyers in that jurisdiction, and who –
 - (i) exercises a right of audience before the Courts as defined in section 219 of the ADGM Courts Regulations; or

- (ii) has conduct of litigation in relation to proceedings in the Courts.

3. Fundamental ethical duties

- (1) Lawyers must have regard to and apply the following fundamental ethical duties that underpin all aspects of their legal practice:
 - (a) uphold the rule of law and the proper administration of justice;
 - (b) act with honesty, integrity and fairness;
 - (c) deliver legal services competently, diligently and as promptly as reasonably possible;
 - (d) maintain their independence; and
 - (e) act in the best interests of each client.

4. Duties owed to the Courts

- (1) Lawyers shall deal with the Courts and its staff honestly, co-operatively and with civility.
- (2) When dealing with the Courts, lawyers:
 - (a) must comply with their duties to the Courts;
 - (b) where relevant, must inform the client of the circumstances in which their duties to the Courts outweigh their obligations to the client;
 - (c) must comply with Courts' orders which place obligations on them; and
 - (d) must not place themselves in contempt of court.
- (3) Lawyers shall not engage in conduct that undermines the dignity and authority of the Courts or which may otherwise result in procedural unfairness.
- (4) Lawyers shall ensure that they are familiar with ADGM laws and ADGM Courts Regulations and Rules as may be relevant to the matter before the Courts.
- (5) Lawyers shall inform the Courts of all relevant case decisions, legal authority, legislative provisions and any procedural irregularity of which they are aware, regardless of whether the effect is favourable or unfavourable to the contention for which they argue.
- (6) Lawyers must not attempt to deceive or knowingly or recklessly mislead the Courts by making incorrect or misleading statements of fact or law to the Courts and shall take all necessary steps to correct any incorrect or misleading statement of fact or law at the earliest opportunity.
- (7) Lawyers must not publish any material concerning proceedings that are active which may prejudice a fair trial or the administration of justice or amount to contempt of court as provided in section 96 of the ADGM Courts Regulations.

- (8) Lawyers must not give an undertaking to the Court, unless they believe that the undertaking is appropriate in all the circumstances and are satisfied, at the time the undertaking is given, that they or their client will be able to honour the undertaking.
- (9) Lawyers shall not conduct proceedings before the Court in any matter in which they have reason to believe they may be a witness, save where any evidence they may give is likely to be purely formal or uncontroversial and it is clear that this will not prejudice the lawyer's independence or the interest of the client or the interest of justice.

5. Communication with the Courts

- (1) Lawyers must not, outside an ex parte application or a hearing of which an opponent has had proper notice, have any communication with the Courts, or with a judge of the Courts, concerning any proceedings –
 - (a) which are, or will be, before the Courts; and
 - (b) in respect of which the lawyer represents any party or any other interested person.
- (2) If, despite paragraph (1), a lawyer has any ex parte communication with the Courts, or with a judge of the Courts, the lawyer must inform every other party to the proceedings of the communication as soon as possible.

6. Relationship with the Courts or Clients

- (1) A lawyer must not appear before the Courts in any proceedings where –
 - (a) by reason of the lawyer's relationship with a judge of the Courts or any individual sitting with the Courts, the impartial administration of justice may appear to be prejudiced; or
 - (b) by reason of the lawyer's relationship with a client, it will be difficult for the lawyer to maintain the professional independence of the lawyer.
- (2) Where sub-paragraph (a) or (b) of paragraph (1) applies, the lawyer must notify the Courts of the relationship referred to in the applicable sub-paragraph, and cease to participate in the whole, or such part, of the proceedings as the Courts may direct.

7. Duties owed to the Courts and Clients

- (1) Lawyers must act in the best interests of each client and represent each client's case in a manner that is consistent with the proper administration of justice.
- (2) Lawyers who represent clients before the Courts must:
 - (a) at the earliest opportunity, inform the Courts and every other party to the proceedings of their identity and that they represent the client; and
 - (b) promptly inform the Courts and every other party to the proceedings of any change in such representation.
- (3) When acting for a client in any proceedings before the Courts, lawyers –

- (a) must not express their personal opinion of the client's conduct or allow their personal feelings to affect their duty to the Courts;
 - (b) not knowingly or recklessly advance any submission, opinion or proposition which they know or ought to reasonably know, is contrary to the law; and
 - (c) must disclose to the Courts every relevant fact, item of evidence, item of information or other matter which they are required by law to disclose to the Courts.
- (4) Lawyers shall not agree to act for a client in any proceedings before the Courts where a client's best interests may conflict with their or their law firms' own interests in the same or related proceedings.
- (5) Lawyers shall not seek to prolong court proceedings unnecessarily, nor shall they undertake work in a manner which improperly increases their fees.
- (6) Lawyers shall keep information communicated to them by their client confidential unless such disclosure is authorised by the client, ordered by the Courts or required by law.

8. Duties owed to other lawyers

- (1) Lawyers shall deal with each other honestly, co-operatively and with civility.
- (2) Unless otherwise permitted or required by law, a lawyer to whom confidential information is disclosed by another lawyer, or by some other person and who is aware that the disclosure was inadvertent must not use the information.
- (3) A lawyer must not deal directly with the client of another lawyer, unless
- (a) the other lawyer has consented;
 - (b) the communication is a notice which by law or contract must be personally served on the other Lawyer's client;
 - (c) the interests of the party with which it is intended to communicate will be prejudiced if the communication is delayed.

9. Duty to rectify breaches

- (1) Where a lawyer has unknowingly breached any provision of these Rules, and the lawyer subsequently becomes aware of the breach, the lawyer must –
- (a) disclose the breach to the Court; and
 - (b) take reasonable steps to rectify the breach.

10. Sanctions for breaches

The Court may sanction a lawyer who has knowingly and intentionally breached any provision of these Rules by making an order under Rule 203 of the ADGM Court Procedure Rules.