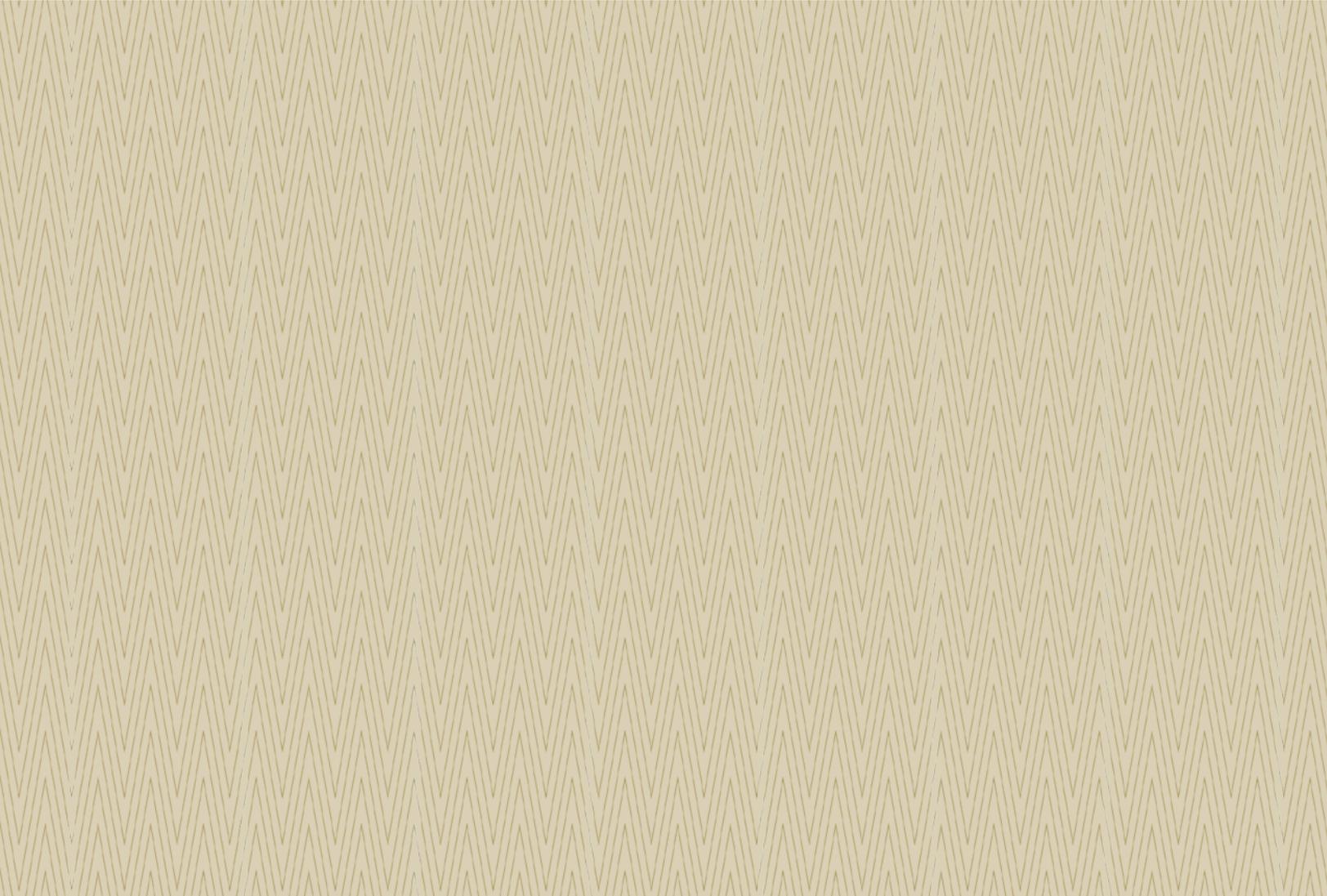




**ABU DHABI GLOBAL MARKET COURTS**  
**محاكم سوق أبوظبي العالمي**

## **ADGM COURTS**

## **GUIDELINES FOR SELF-REPRESENTED LITIGANTS**





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## ADGM COURTS GUIDELINES FOR SELF-REPRESENTED LITIGANTS

Date of issue: 30 May 2016

### INTRODUCTION

These Guidelines have been prepared to assist people who are considering commencing proceedings at or who are currently involved in a case before Abu Dhabi Global Market Courts (“ADGM Courts”) and are not represented by a lawyer (“self-represented litigants”).

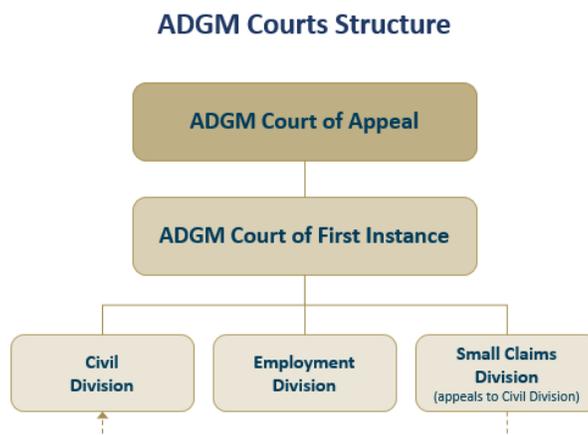
These Guidelines refer to some of ADGM Courts’ most important rules and procedures that must be followed by everyone, whether or not they have a lawyer. They also refer to other helpful resources.

**It is important to note that these Guidelines do not give legal advice and they are not a substitute for legal advice. They are intended for informational purposes only. ADGM Courts are not providing legal advice by or through the availability of the information contained in these Guidelines.**

### ADGM COURTS

ADGM Courts do not hear or determine criminal cases, family cases or disputes involving estates or inheritance.

ADGM Courts is comprised of the Court of First Instance and the Court of Appeal.





## ***Court of First Instance***

The Court of First Instance has three Divisions:

- the Small Claims Division
- the Civil Division, and
- the Employment Division.

You should start your case in the **Small Claims Division** of the Court of First Instance if:

- (a) the value of your claim is USD 100,000 or less; or
- (b) your claim relates to an employment matter and you and your opposing party have agreed to submit the claim to the Small Claims Division.

You should start your case in the **Civil Division** if the value of your claim exceeds USD 100,000 and does not relate to an employment matter. The Civil Division also hears appeals in relation to judgments of the Small Claims Division, as well as decisions made by ADGM Authorities.

You should start your case in the **Employment Division** if it relates to an employment matter.

## ***Court of Appeal***

The Court of Appeal hears appeals from judgments or orders made by the Court of First Instance. It also hears cases regarding the interpretation of the laws and regulations of Abu Dhabi Global Market (“ADGM”).

### **LEGAL ASSISTANCE**

Court procedure can be complex. Although it is not necessary for you to be represented by a lawyer, if you are commencing or otherwise involved in a case before ADGM Courts it is recommended that you seek legal advice.

You can, at any time, change your mind and appoint a lawyer to represent you. If you do, you or your lawyer must file a notice of that appointment with ADGM Courts and serve the notice of the appointment on every other party in the case. The notice should include the name of your newly appointed lawyer, their contact details, including their email address and an address for service of documents filed in the case.



## LANGUAGE

**All proceedings before ADGM Courts are conducted in English.**

If you require an interpreter, it is your responsibility to request and arrange for an interpreter to attend and translate the proceedings for you. It is also your duty to ensure that the interpreter is present on all occasions you are appearing in court.

You should notify your opponent of your intention to use an interpreter. Your opponent can object to your use of an interpreter. Ultimately, the Court will decide any issues regarding the proposed services of an interpreter.

## YOUR DUTIES

### ASSISTING THE COURT

The overriding objective of the Rules is to make sure that the system of civil justice in ADGM Courts is accessible, fair and efficient.

As a litigant, you are expected to assist ADGM Courts in achieving this overriding objective by complying with your duties to ADGM Courts including observing the rules relevant to your case. In particular:

- you must deal with ADGM Courts' and their staff honestly, co-operatively and with civility
- you must not attempt to deceive or knowingly or recklessly mislead the Court by making incorrect or misleading statements of fact or law to the Court and you shall take all necessary steps to correct any incorrect or misleading statement of fact or law at the earliest opportunity, and
- you must not seek to prolong the case or the proceedings unnecessarily.

### BE POLITE

You should be polite to everyone that you encounter at all times while the case is before ADGM Courts. This includes the Judge, ADGM Courts' staff, your opponent and their lawyers, and people that may come to give evidence in the case.



ADGM Courts Rules of Conduct 2016 is a guide for lawyers representing clients during legal proceedings. Although you may not be represented during the proceedings, you should consult these Rules for guidance on how to address the Court, the Court staff and other parties to the proceedings. You can find those rules [here](#).

## **NO CONTACT WITH THE JUDGE**

You should never attempt to contact a Judge directly. You should consult ADGM Courts Rules of Conduct 2016, specifically Section 5 of those rules, for guidance on communication with ADGM Courts.

## **THE REGISTRY**

### **WHAT IS THE REGISTRY?**

The ADGM Courts Registry is the administrative office of ADGM Courts. The staff of the Registry can provide you with information about your case and answer any questions of an administrative or procedural nature.

The Registry staff cannot provide any legal advice about your case, assist you in printing or completing forms or tell you what to say in court. You cannot rely in court on any information given to you by the Registry staff.

If you have any enquires you may contact the Registry by email to [enquiry@adgmcourts.com](mailto:enquiry@adgmcourts.com).

## **REGISTRAR**

The Registrar is an officer of ADGM Courts who can:

- give permission to file documents in person instead of electronically, but only in exceptional circumstances
- refuse to accept any document that does not comply with any provision in the Rules, relevant Practice direction or a Court Order and may give directions as appropriate
- refuse to allow a party to take any step in a case unless the relevant court fee is paid



- take affidavits
- decide on waiving or deferring payment of court fees
- sign all orders, judgments and process issued by ADGM Courts
- conduct and certify detailed assessments of the costs
- refer urgent matters to a Judge, and
- deliver any judgment of the Court.

## COURT PROCEDURES

### COURT RULES

The rules that you must follow when starting your claim, filing documents, preparing your evidence, appearing in Court and taking any other step in a case before ADGM Courts are contained in the [ADGM Court Procedure Rules 2016](#) (“Rules”).

You may find it of assistance to consult the ADGM Courts’ procedural flow charts, found [here](#), for guidance on the procedural steps normally taken in a case before ADGM Courts. Please note that the information provided in the flow charts is not a substitute for reading the Rules and the Practice Directions (see below). You must always refer to and comply with the Rules and the Practice Directions (see below).

### PRACTICE DIRECTIONS

The ADGM Courts Practice Directions compliment the Rules by providing more detailed information about procedural requirements that might be relevant to your case. You should read the Practice Directions with the Rules. The Practice Directions can be found [here](#).



## FORMS AND ELECTRONIC FILING

ADGM Courts are fully digital. All forms are to be filed via the ADGM eCourts Platform. To gain access to our ePlatform you must register by visiting [www.adgmcourts.com](http://www.adgmcourts.com). A higher filing fee is charged for documents that are not filed via the eCourts Portal.

You must use the prescribed forms when filing any document with ADGM Courts. These forms can be found [here](#). You should comply with the requirements of the relevant prescribed form, including font size, margins and pagination. ADGM Courts may reject your document if it does not comply with such requirements.

All documents must be filed by their due date. If you are unsure what this date is, you should check the orders made by the Judge.

You should also note that filing documents does not mean that they will become evidence in your case. The evidence in the case will be determined by the Judge at the trial.

Please note that you may be required to produce to the Court the original of any document filed via the ADGM eCourts Platform.

## COURT FEES

### FILING FEES

When you file documents, you will usually be required to pay a filing fee. The documents that require a fee to be paid include any documents commencing proceedings, as well as application notices. The current Schedule of Fees, which includes details about making the required payment, is published on ADGM Courts' website and can be accessed [here](#).

If you cannot afford to pay the fees and your case is in the Small Claims Division, you can apply for a waiver or deferral of payment. You will need to include a statement of the grounds on which you request to waive or defer payment of the Court fees in your claim form and include any supporting documents. The Registrar will decide whether to waive or defer payment of the fees.



## TRIAL FEES

When a trial date is set, you will be charged a setting down fee. If the case settles at least one month before the trial date, you will be reimbursed the entire fee. The setting down fees, and the terms of their reimbursement, can be found [here](#). If you are unable to pay the fees immediately you may make an application to have the fees postponed until the case is finished. Even if your filing fees were previously postponed you will still need to make a new application to postpone the setting down fees.

## CONDUCTING A CASE

### STARTING A CASE

You start your case by filing a claim form. The Rules and relevant Practice Directions deal with the information you must include about your claim. It is important to use the correct claim form. If you use the incorrect claim form you will have to amend it and that may mean you have to pay an additional filing fee. All of our forms referenced below can be accessed [here](#).

### SERVICE OF DOCUMENTS

Service is the formal process of delivering a document to another party in a case. Most of the relevant rules regarding service are in Part 4 of the Court Procedure Rules.

If you commence proceedings, you will be required to serve a copy of the claim form and all other documents that you file in the proceedings on all defendants. There are specific provisions in the Rules about how to serve individuals, companies, partnerships and ADGM Authorities.

Any other documents that you file will also need to be served. These documents can be served by sending them to the address for service provided by all other parties in the case.

### DEFENDING A CLAIM

If you are served with a claim form, the Rules require you to file and, at the same time, serve a copy of a completed acknowledgement of service on the other parties within 14 days after service



of the claim form. Form CFI 7 must be used for an acknowledgment of service. It is important that you provide your contact details on this document, including your phone number and email address. Please keep this information up to date so that the Court and other parties can communicate with you.

Once you have filed and served an acknowledgement of service, you must let the Court and other parties know if you wish to defend the claim. You can do this by filing and serving a defence within 28 days after service of the claim form. The Rules and relevant Practice Directions deal with the information you must include in your defence. Form CFI 8 must be used for a defence.

If you do not file an acknowledgement of service or a defence, the Court may give default judgment without a trial or hearing, which will be binding against you. If you do file a defence but do not appear at trial, the Court may proceed with the trial in your absence and strike out your defence, which means that judgment may be given against you.

## **SETTLING YOUR CASE**

ADGM Courts encourage parties to try to settle their dispute. The parties can request the Court to stay (put on hold) the proceedings for a period of one month before the case management conference (see Case Management Section) takes place to allow for settlement of the case.

## **CASE MANAGEMENT CONFERENCE**

If your case is in the Civil or Employment Divisions of the Court of First Instance, the Court will schedule a Case Management Conference within 14 days of the filing of a defence, which will usually be conducted by video or telephone conference. The Case Management Conference occurs before a Judge, who will make orders called directions. These are designed to ensure that the case is ready to be heard on the trial date. A Case Management Conference is a very important part of the Court's procedures and it is important you participate in this conference. If you do not participate in the conference, orders can be made in your absence affecting you.

## **APPLICATION NOTICES**

An application notice is a written request to the Court made after a case has started asking the Court to make an order about something. An application notice can be used for a number of reasons, including seeking directions or clarification on matters in dispute. The application notice



also tells the other party where and when the Court will hear the application. A Judge will hear and determine all applications.

Most of the rules concerning the procedure for and contents of applications are in Part 8 of the Rules and Practice Direction 7. Form CFI 12 must be used for an application notice. In most cases, an application notice must be filed together with any written evidence in support and a draft of the order which the applicant is seeking. The application notice must also be served on the other parties at least 3 days before the Court is to deal with the application or within the period specified by the Court.

If you are attending the hearing of an application notice, make particular note of the time the hearing of the application is listed to start. If you do not attend, or you are late, the Court may hear the application and make orders, including orders for costs, in your absence.

## **WITNESS SUMMONS**

A witness summons is a document issued by the Court requiring a person to bring certain documents to Court or to appear in Court to give evidence. The relevant rules regarding a witness summons are in Part 15 of the Rules. A witness summons is created by using Form CFI 16.

You will need the Court's permission to have a witness summons issued in the following situations:

- (a) less than 7 days before the trial date for a witness located in the UAE
- (b) less than 21 days before the trial date for a witness located outside the UAE, or
- (c) for a witness to attend Court to give evidence or to produce documents at any hearing or on any date except the date fixed for the trial.

If permission is given, you must file the summons and then serve it on the person required to produce the documents or to give evidence within the time specified in the Witness Summons.



## **DISCLOSURE**

Disclosure is the process by which parties gain access to documents held by the other party that are relevant to the case. The Rules provide information on how and when disclosure is made. Most of the relevant rules are in Part 13 of the Rules and Practice Direction 6.

## **AFFIDAVITS**

An affidavit is a sworn statement in writing made under oath or on affirmation before a public notary, a Judge, the Registrar, a lawyer or a Court officer appointed by the Registrar for that purpose. Most of the relevant Rules are in Part 14 of the Court Procedure Rules and Practice Direction 7.

The person making an affidavit is called the “deponent”.

## **ADJOURNMENT**

When the Court fixes the date for the hearing of an application or a trial, it expects you to be ready to proceed on that day and at the appointed time. If, however, you need to change (adjourn) the date for the hearing or trial due to unforeseen circumstances, you should first seek the consent of the other parties to the adjournment from the Court before contacting the Court.

If the other parties do not consent to the adjournment, you will need to file an application notice together with written evidence supporting your request for an adjournment.

The Court may make orders that you pay the costs of the other parties due to that adjournment.

## **THE TRIAL**

Your case will be assigned to a Judge for trial. The Judge is required to remain impartial and to determine the proceedings based on the evidence and the relevant law.



## APPEARING IN COURT

If you are representing yourself in Court take particular note of the following:

- check the Court Lists to confirm the date, time and location of the hearing or trial. If you are not on time, the Court may strike out your case in your absence
- be prepared. Be clear about what you want to say and speak clearly. Wait for your turn to speak and do not interrupt the Judge or the other party
- you must always conduct yourself courteously in Court. Bow to the Judge or Registrar as you enter and leave the court room, turn off mobile phones and do not eat or drink in court
- address the Judge as “Your Honour” or the Registrar as “Registrar”. Stand to speak and sit while the other party speaks. Do not interrupt or talk over the Judge, Registrar or other parties
- bring at least three copies of all relevant documents to court: one for you, one for the Judge or Registrar and one for every other party, and
- bring your own paper and stationery.

## JUDGMENT

A judgment is the Court’s decision on an application notice, or on the final result of the case usually following a trial. Judgment may be given immediately or, in more complicated cases, at a later date (also called “reserving judgment”).

If judgment is reserved, you will be notified of the date the judgment will be given. If you do not appear on that date, a copy of the judgment will be sent to you and it will be published on the Court’s website, unless the Court decides that it is to be kept confidential.

If you are dissatisfied with the Judge’s decision, you may be able to appeal the decision (see below).

## COSTS

If you are unsuccessful in the case, the Court may order you to pay the other party’s costs. If they are legally represented, it may mean that you have to pay for their lawyers as well as court fees.

If you are successful, you may be awarded costs which may enable you to recover some of the fees that you have paid or owe, such as your hearing fee, from the other party. Even if you are



successful, it is unlikely that you will recover all of your costs involved in the case. Your costs may not include, for example, income you have lost because you have taken time off work to come to Court.

## APPEALS

If you are dissatisfied with the decision of a Judge, you may be able to appeal that decision.

If your case was in the Small Claims Division, you can appeal the judgment **but only on a question of law**. If you are uncertain as to your rights of appeal from a judgment of the Small Claims Division, you should seek legal advice. An appeal is commenced by filing a notice of appeal in the Civil Division of the Court of First Instance. This notice must be served on the other parties.

If your case was in the Civil or Employment Division of the Court of First Instance, there is no automatic right to appeal. You will need to apply for permission to appeal the judgment either to the Court of First Instance or to the Court of Appeal. The permission application will need to be served on every respondent.

More information about how to appeal or apply for permission to appeal can be found in Part 25 of the Rules and Practice Direction 11.



## PRACTICAL INFORMATION

### WHERE?

The address and contact information for ADGM Courts is:

**Location:** Abu Dhabi Global Market Courts  
ADGM Authorities Building  
Al Maryah Island  
Abu Dhabi  
United Arab Emirates

**Postal Address:** Abu Dhabi Global Market Courts  
ADGM Authorities Building  
PO Box 111999  
Abu Dhabi  
United Arab Emirates

### PHONE

For general enquiries, please call +971 2 333 8976.

### EMAIL

For general enquiries, please email [enquiry@adgmcourts.com](mailto:enquiry@adgmcourts.com).

For case related enquiries, please email [registry@adgmcourts.com](mailto:registry@adgmcourts.com).

### WHEN?

**The Court Registry** is open from 8:30 am to 4:30 pm Sunday to Thursday.

**Court sitting hours** are usually from 10:00 am to 4:00 pm Sunday to Thursday, although hearing times will vary depending upon whether a hearing may be conducted via video conference or conference call.

**When does your case start and where is it being heard?** You can find out the exact location and starting time for your case by referring to the Hearings Calendar our website.



## SPECIAL REQUIREMENTS

The ADGM Building has disabled access and facilities. If you have any concerns, please contact the Court on +971 2 333 8876 or email [enquiry@adgmcourts.com](mailto:enquiry@adgmcourts.com) well ahead of time.

The ADGM Building is located on Al Maryah Island in Abu Dhabi. Please find our location map below:





## **SECURITY AND PHOTOGRAPHY**

The ADGM Building is a secure building and you will need to pass through a security check that security staff consider appropriate. Any weapons (including firearms or knives), flammable liquids, explosive materials, or disabling chemicals are strictly prohibited. Photography is prohibited inside the ADGM Building.

## **ADGM COURTS WEBSITE**

The web address of Abu Dhabi Global Market Courts is [www.adgm.com/doing-business/adgm-courts/home/](http://www.adgm.com/doing-business/adgm-courts/home/).

## **FEEDBACK**

ADGM Courts welcomes feedback about our services, including this document.

Please send your comments and/or suggestions via email to [enquiry@adgmcourts.com](mailto:enquiry@adgmcourts.com).