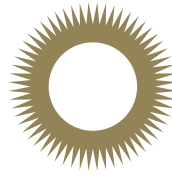


LEXIS MIDDLE EAST  
**LAW ALERT**

تشريعات الشرق الأوسط



**ADGM**

AN INTERNATIONAL FINANCIAL CENTRE

# UAE MANAGING PARTNER REPORT

## WOMEN'S EDITION

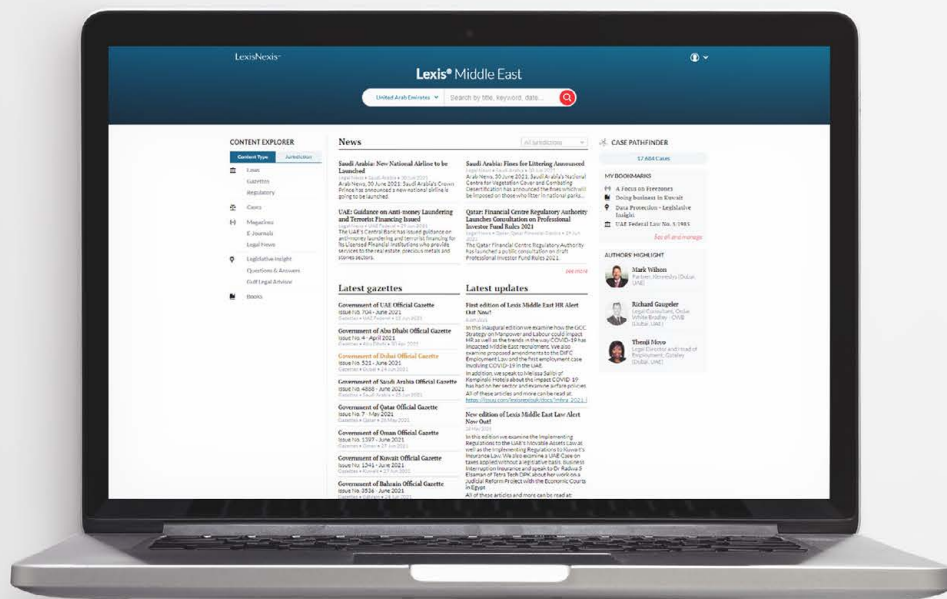
WHERE THE FUTURE  
IS STILL BRIGHT

BROUGHT TO YOU BY LEXISNEXIS®



**LexisNexis**  
Middle East & North Africa

2023



# Unleash your full potential with Lexis® Middle East.

*The Middle East is a vibrant and rewarding business hub that legal practitioners can now fully tackle with Lexis® Middle East's straightforward access to decisive online legal content in English.*

- 18,800+ MENA Case Summaries
- 10,600+ GCC Consolidated Laws (in Arabic & English)
- 6,200+ Practical Guidance Documents
- 800+ Contributing Authors & Firms
- 135 GCC Regulators

## Essential information you can't get anywhere else

On top of fully amended and consolidated laws translated from Arabic to English by our strategic partner Sader Legal Publishing, and regulatory material for more than 100 freezones and agencies, Lexis® Middle East is the only platform that includes translations of all GCC gazette indexes and more than 18,500 case summaries.

## Accomplish tasks faster with know-how from leading local practitioners

The Lexis® Middle East platform encompasses a complete up-to-date set of practical guidance tools and documents: *Questions & Answers*, *Getting the Deal Through Country Guides*, *Precedents*, *Checklists*, *Toolkits*, and more than 1,700 GCC-specific Practice Notes from *Gulf Legal Advisor (GLA)*. GLA makes your life easier by enhancing your research and getting you up to speed quickly on new or changing topics in your practice area.

Through practical guidance provided by expert lawyers, GLA gives you the *what*, *how*, and *why* of GCC laws and allows you to confidently advise, negotiate and draft more effective documents, more efficiently.

## Work at maximum efficiency with cutting-edge features

The new powerful search engine comes with numerous innovative features such as *Fast track*, *Drilldown*, *Case Pathfinder*, and dynamic tables of contents that have been designed for quick and easy access to the information that you need.

## Stay on top of the latest developments

Receive exclusive online access to seven law journals and magazines such as *The Oath*, *The MENA Business Law*, *The International Journal of Arbitration* and more; regional office law firm newsletters from *Al Tamimi & Co.*, *Clyde & Co.*, *Hadeef & Partners...* and daily news updates drawn from over 300 local, regional and international sources.

Receive alerts regarding any new content or content updates on the platform via our fully customizable alert module.

## Support you can count on

With our GCC-wide team on the ground supported by our London and Paris offices, our team is on hand to assist you face-to-face or remotely to ensure that you make the best out of our solutions.

Book a demo of Lexis® Middle East and start your free trial today: [Lexis.ae/demo](https://www.lexis.ae/demo)



# CONTENTS

<b>Maha Bin Hendi Law Firm</b> Maha Bin Hendi	p5
<b>Watson Farley &amp; Williams (Middle East) LLP</b> Charlotte Bijlani	p10
<b>SOL International</b> Sarah Malik	p12
<b>Hunton Andrews Kurth</b> Patricia Tiller	p14
<b>Pinsent Masons</b> Catherine Workman	p16
<b>Diana Hamade Attorneys at Law</b> Diana Hamade	p18

The Lexis Middle East Law Alert magazine is produced by the LexisNexis Middle East online legal and business research service. To find out if you qualify to be added to our regular circulation go to: [www.lexismiddleeast.com](http://www.lexismiddleeast.com)



**Publisher Middle East**  
Claire Melvin  
[Claire.melvin@lexisnexis.co.uk](mailto:Claire.melvin@lexisnexis.co.uk)

**LexisNexis Middle East**  
[www.lexis.ae](http://www.lexis.ae)

This product comes from sustainable forest sources.

Reproduction, copying or extracting by any means of the whole or part of this publication must not be undertaken without the written permission of the publishers.

This publication is intended to be a general guide and cannot be a substitute for professional advice. Neither the authors nor the publisher accept any responsibility for loss occasioned to any person acting or refraining from acting as a result of material contained in this publication.

Cover: © Getty images/Stockphoto

© 2023 Reed Elsevier

# INTRODUCTION



It has been a pleasure to read each, and every report submitted by the managing partners in this year's publication. Last year the common themes were resilience and transformation. This year what is striking from reading this report is that having been through challenging times in the last few years, optimism and growth have clearly returned to both the UAE legal market and our wider business community.

While in other jurisdictions rising energy prices have dampened business optimism, here we have seen the opposite effect, as public sector finance has strengthened and government backed projects have helped to create wider economic growth, including in the legal market.

What is interesting to see is that in 2022 UAE legal firms of all types and sizes have been recruiting, expanding, and establishing new departments, offering new services to meet growing client needs.

Following the pandemic legislators and regulators across the UAE, including ADGM, made a conscious effort to look at how legislation and regulations could be developed to encourage new foreign investors by increasing the ease of doing business here.

The new UAE working week, which was introduced at the start of 2022, was one such example. However, there has also been significant legal reform over recent years, and most of the commentators in this report expect this level of change will continue into 2023. This is bringing with it new opportunities for UAE law firms, businesses and potential investors.

These reforms are not just about increasing foreign direct investment but are also about building a suitable legal and regulatory framework for the future - one which will allow emerging, innovative sectors to develop and flourish here too. Innovation has always been a priority for the UAE. In 2022, ADGM launched two trailblazing projects 'Mediation in the Metaverse' and 'Justice on the Blockchain' These new technology services will be rolled out to the local and international legal and business communities throughout 2023.

A number of the respondents in this Report have remarked on how the UAE authorities are keen on strengthening the country's position as a hub for virtual assets and blockchain technologies in an aim to leverage the country's favourable business environment, strategic location, and advanced infrastructure to attract investment and talent in the digital asset industry. They also observed the implementation of a clear regulatory framework governing emerging markets, such as virtual assets, in a bid to support this growth and attract more digital asset firms to set up in the country. Developing a framework for virtual assets is an area in which ADGM has been a pioneer and a leading destination of choice for virtual assets players where the framework came officially into practise, as far back as 2018. As a way to outline its expectations for the asset class and service providers in the sector, the Financial Services Regulatory Authority of ADGM has published in September 2022 ADGM Guiding Principles on its approach to Virtual Asset regulation and supervision.

In 2022 the UAE courts and regionally based arbitration institutions have also witnessed a rise in activity. ADGM Courts' caseload increased by over 50% in 2022, with over US\$ 5.2B in dispute. What has been interesting too has been the examples cited here of local firms specifically recruiting new staff who are specialists in common law so they can increase their litigation activity in UAE common law courts, including ADGM Courts. These increases in litigation and dispute resolution work are caused in part by the COVID bounce back which has seen increasing numbers of employment, contract and insolvency disputes. As is explained in this report, with COVID now behind them, a growing number of businesses are eager to settle disputes which were put on hold because of the pandemic and lockdowns. Many of these UAE managing partners are also reporting sharp increases in the numbers of arbitration disputes they are dealing with. I expect that many of these will find their way to the ADGM Arbitration Centre, our digitised purpose-built space for arbitration hearings and mediations. Based on these fascinating reflections from the managing partners, I am confident that we will continue to observe the positive maturation of the UAE's legal market, further enhancing the Emirates' competitive position on the world stage.

Linda Fitz-Alan, Registrar and Chief Executive of ADGM Courts  
February 2023

The views and opinions set forth herein are the personal views or opinions of the individuals; they do not necessarily reflect views or opinions of the law firms with which they are associated





# WHERE THE FUTURE IS STILL BRIGHT

---

While in other jurisdictions and professions around the world 2022 was dominated by talk of rising prices and recession, in the Middle East things have been very different. Claire Melvin, Publisher - Lexis Middle East talks to Managing Partners in the region on why expansion and growth are top of the agenda here.

---





**W**hile recessionary fears and concerns about rising prices have been hitting the headlines and the bottom lines of businesses in most sectors and jurisdictions in 2022, in most GCC law firms, 2022 has seen major expansions. As Catherine Workman of Pinsent Masons noted, “Economists say the MENA region will have 3.7% growth in 2023 compared to 0.5% in Europe and 1.3% in North America.” Firms here have been busy recruiting new staff, enhancing and developing new practice areas and in some cases even opening new offices. Not only that but this is a trend they expect to continue into 2023. Increases in energy prices may have negatively impacted business sentiment in other jurisdictions but in this region law firms specialising in the energy sector such as Hunton Andrews Kurth have been understandably upbeat. What is interesting however is that their focus is no longer simply oil and gas but new cleaner sources of energy such as hydrogen are also playing an increasing role in their strategy.

---

**“THE ENERGY TRANSITION AND NET ZERO GOALS OF THE UAE GOVERNMENT REMAIN A KEY FACTOR FOR PROJECTS IN 2023.”**

---

As Patricia Tiller of Hunton Andrews Kurth explains, “The energy transition and net zero goals of the UAE Government remain a key factor for projects in 2023, and we expect to see a rise in our practice areas focused on hydrogen, carbon offset technologies and the renewable energy industry. The hydrogen production market is expected to grow up to 10% per year through to 2030, and we are engaged in several high-profile projects throughout the Middle East. Our firm provides a full-service approach to assisting clients in the hydrogen space. As hydrogen becomes a larger player, we are prepared to advise our clients on the entire value chain, including investment in clean energy, project development and finance.” That said, traditional energy sources such as natural gas are also expected to continue to have an impact as Patricia Tiller adds, “We anticipate continued growth in natural gas as a transition fuel and will continue to provide a robust team to support this practice area.” Sanctions which resulted from the war in Ukraine have meant that lawyers

© Getty Images/stockphoto

## DISPUTE TRENDS

"For example, in the UAE we have seen a large number of aircraft repossessions by lessors as a result of the sanctions and an increasing use of the DIFC Courts for freezing orders which can in practice be issued far quicker than through the onshore court system."

**Charlotte Bijlani, Watson Farley & Williams (Middle East) LLP**

"In 2022, we came across a number of partnership and shareholder disputes as businesses underwent post pandemic restructuring.."

**Sarah Malik, SOL International**

"We are seeing a rise in the use of third-party funding for litigation generally but also in the Middle East."

**Catherine Workman, Pinsent Masons**

"We've witnessed a sudden increase in real estate disputes as rents for properties have been high, post COVID 19."

**Maha Bin Hendi, Maha Bin Hendi Law Firm**

in the Middle East have had to react quickly in an ever-changing environment. For Charlotte Bijlani of Watson Farley & Williams (Middle East) LLP the result has been a busy disputes department. As she explains, "For example, in the UAE we have seen a large number of aircraft repossessions by lessors as a result of the sanctions and an increasing use of the DIFC Courts for freezing orders which can in practice be issued far quicker than through the onshore court system."

## THE POST COVID WORKLOAD

The COVID bounce back has also helped generate new business for regional law firms. For Maha Bin Hendi of Maha Bin Hendi Law Firm what has been notable has been an increase in real estate disputes caused by the rent increases that followed COVID 19.

She states, "There have been many unfair evictions and illegal rent hikes. There has certainly been an increased number of rent disputes before the Rental Dispute Settlement Centre (RDC) compared to last year". Sarah Malik of SOL International has also noted changes post COVID impacting numbers of rental disputes and an increase in other types of disputes too. As she noted, "We also noticed a rise in construction arbitrations following the delays which had been caused by COVID 19. In addition, we have been, involved in a number of employment and rental disputes, following the boom in the real estate market in the UAE."

For others including Patricia Tiller of Hunton Andrews Kurth what has been noticeable with COVID behind them has been the return of

Chinese investors to the region. As she explains, "Given the recovery of the Chinese economy post-COVID, we are also now seeing renewed interest from Chinese investors in the region and expect significant inbound M&A activity from Asia. Bilateral commerce between China and the UAE reached new heights in recent years and we predict further growth in the infrastructure, healthcare, and technology sectors in 2023."

## THE IMPACT OF LEGAL REFORM

COVID has also led to GCC Governments taking steps to make their countries more attractive to foreign investors and many look to law reform to help drive this. Many of the respondents are eagerly anticipating the UAE Data Protection Law (Federal Decree-Law No. 45/2021)'s Implementing Regulations and the changes which have been brought in by the new UAE Civil Procedures Law, Federal Decree-Law No. 42/2022. However, with use of virtual assets on the rise in the UAE recent changes being made to the law and regulation of virtual assets have also generated some interest. When asked about key legislative reforms in 2022, Charlotte Bijlani of Watson Farley & Williams (Middle East) LLP noted, "The surge in virtual currencies such as bitcoin in the UAE has also been notable and we expect to see stricter regulation of the trading of virtual assets by Dubai's own virtual asset regulator, the Virtual Asset Recovery Authority, (VARA) which was established under Dubai Decree Law No. 4/2022 regulating virtual assets in the Emirate of Dubai. It is also anticipated antimoney laundering regulations which specifically deal with virtual assets will be issued." In addition, Sarah Malik of SOL International believes the previous lack of regulation in this area could also impact disputes.

As she explained, "We think crypto disputes will be a hot topic this year owing to the lack of regulation governing crypto transactions. We have already seen problems arising, such as the collapse of major power houses and multi-jurisdictional issues which have been caused when exchanges have crashed."

There were also those such as Maha Bin Hendi who believe that technological change will not only impact legislators and the types of disputes law firms in the region have to deal with but also how law firms themselves operate.

With technology such as Chat GPT creating a buzz she noted, "We need to accept that the use of AI will disrupt the traditional ways law firms are operating."

Although she firmly believes the way technology is used in law firms will be firmly in their own hands. ■



## MAHA BIN HENDI, MANAGING PARTNER, MAHA BIN HENDI LAW FIRM

**M**aha Bin Hendi is a qualified Emirati lawyer, with the right of audience before the UAE's Federal Courts and the Dubai Courts. She is also registered in Part I of the Academy of Law's Register of Legal Practitioners, UAE. Her law firm, Maha Bin Hendi Law Firm is the first law firm operating out of the Dubai Design District (d3). The firm is a full service law firm with a strong litigation and corporate department which specialises in working with clients in the creative sector.

### WHAT IS NEW WITH YOUR FIRM, AND WHAT ARE YOUR PLANS FOR 2023?

We are currently expanding and looking for people with the right skills and talents to reflect our firm's vision. I always mention to the team members and potential interviewees it is not about quantity but quality when it comes to having the right team in place. Our focus and vision is more about technology. Currently we are working on a legal platform which will ease the process of specific legal matters. We have been developing this platform for almost a year now. In addition, in March 2023 we will be working with Lexis Nexis Middle East and Fordham University, New York on a conference in Dubai at which speakers from prominent companies around the world will discuss matters which are developing at a global level, including data privacy, ESG and Sustainability, ethics and compliance. This will be Fordham University's first official conference in the region.

### WHICH PRACTICE AREAS DO YOU SEE GROWING IN 2023? WHAT ARE THE DRIVERS BEHIND THAT?

Artificial Intelligence (AI) has been a buzz word in the last few years, and we have seen its impact on certain industries around the world. Robots are currently being introduced at various UAE authorities and private companies. For example, the Dubai Roads and Transport Authority (RTA) has announced the launch of autonomous food delivery robots in partnership with a food delivery company called Talabat. The robots or 'Talabots' will deliver foods to residents across Dubai. Meanwhile, the UAE Ministry of Health and Prevention has launched a robotic pharmacy to deliver medicine to clinics. The Dubai Police also now have the world's first operational robot

policeman or 'RoboCop' who can communicate in various languages, chat, interact, salute and detect a person's emotions and facial expressions so it is able to put people at ease.

Technology is definitely playing an important role across the globe, and there is a lot to do and to keep up with. In September 2022, I attended Dubai's first major Metaverse event, the Dubai Metaverse Assembly at which 600 technology experts and major technology companies provided insights and information on innovations. At present not many people understand the Metaverse but the potential value it can add to the economy is huge. The UAE Ministry of Economy's Metaverse was launched at the Assembly by an avatar of HE Abdulla Bin Touq Al Marri who walked around the Ministry in the Metaverse and showed us around their offices and conference rooms, in what was an immersive customer experience.

In future 'websites' will no longer be needed and the Metaverse is what every sector and individual should focusing on now.

Dubai's D33 Economic Plan aims to make Dubai the capital of the future economy anchored by the Metaverse, AI, Web3.0 and blockchain. Virtual Assets including cryptocurrencies or tradeable digital tokens, such as Non-Fungible Tokens (NFTs) have been enthusiastically welcomed in Dubai.

***Dubai Law No. 4/2022 Regulating Virtual Assets in the Emirate of Dubai was issued last year and applies to Virtual Asset services provided across Dubai, including special development zones and free zones except the DIFC. As a result of this law, a public corporation called the Dubai Virtual Assets Regulatory Authority (VARA) which is affiliated to the Dubai World Trade Centre Authority (DWTC) has been established to regulate virtual assets in***



Dubai. VARA is the world's only independent, specialist regulator of virtual assets, to act as an accelerator for a borderless digital economy. In addition, **Cabinet Decision No. 111/2022 On the Regulation of Virtual Assets and Related Service Providers** also came into force on 15 January 2023. **Cabinet Decision No. 111/2022** sets out the regulatory framework for Virtual Assets at the UAE Federal level where regulatory responsibility has been given to the UAE Securities and Commodities Authority (SCA). This law applies to the Virtual Assets sector and Virtual Assets and Related Service Providers in the UAE, including Free Zones but not Financial Free Zones such as the DIFC and the ADGM. The SCA will be issuing further implementing regulations on Cabinet Decision No. 111/2022 and is also likely to issue further guidance on various aspects of the law including on the inter-play between the SCA and local licensing authorities such as VARA. The issuing of this legislation at a Federal level shows the UAE's commitment to attracting investment in the Virtual Assets sector while also ensuring key-players and/or investors are protected.

---

 **WE HAVE SEEN A SUDDEN INCREASE IN REAL ESTATE DISPUTES AS RENTS ON PROPERTIES HAVE BEEN HIGH POST COVID."**

---

**WHAT DISPUTE RESOLUTION TRENDS DID YOU SEE IN 2022 – AND HOW DID THAT COMPARE WITH THE PREVIOUS YEAR?**

We've seen a sudden increase in real estate disputes as rents on properties have been high, post COVID. Recently there have been many unfair evictions and illegal rent increases. There has also been an increased number of rent disputes being filed before the Rental Dispute Settlement Centre (RDC) compared to the previous year. Many residential tenants have been unable to cope with these rent increases. However, at the same time, with the global developments such as increasing inflation and the Russia-Ukraine conflict we have seen large numbers of real property sales in Dubai, especially in Palm Jumeirah, Downtown Dubai and Business Bay. For example, Mukesh Ambani, India's second-richest man purchased a villa on Palm Jumeirah for almost AED 598 million.

**WHAT ARE THE KEY FORTHCOMING UAE LEGISLATIVE CHANGES YOU ANTICIPATE OR HOPE FOR IN 2023?**

For the last two years, we have seen major developments and amendments in old Federal Laws, which have had to be changed because of changes to the way business is conducted around the world. There have been a number of positive changes as a result of technological trends. For example, recently **Federal Decree-Law No. 42/2022 On the Promulgation of the Civil Procedure Law** (the UAE Civil Procedure Law) was issued abrogating **the previous UAE Civil Procedure Law, Federal Law No. 11/1992**. This has brought in changes to civil proceedings before the Federal and local Courts. For example, time-limits for court proceedings have been changed. English language has been introduced in special matters concerning a specific lawsuit with English being used when submitting statements, memoranda, motions and documents in these specific circuits. Although Article 5(1) of **Federal Decree-Law No. 42/2022** states, "**Arabic shall be the language used in courts...**".

Prior to COVID 19 we had to be physically present to attend court hearings before the Federal and local Courts, today with the help of technology, all Court hearings (except Criminal Cases) are conducted online, saving time and effort in having to travel to different Emirates to attend hearings. At first people were unsure of what to expect, and worried about what would happen if the Court system was down, or there was any delay which could end up in having the case dismissed due to non-attendance at the hearing. However, the UAE Government has quickly implemented systems which makes it easier to attend Court hearings and submit documents and/or submissions electronically.

Another important development has been the issuing of **Federal Decree-Law No. 34/2022 Regulating the Advocacy and Legal Consultancy Professions** which abrogated **Federal Law No. 23/1991**.

**This law** has increased the efficiency of those who practice in the Advocacy and Legal Consultancy Professions. It has also introduced new ethical requirements for all legal professionals practicing law in the UAE. Article 49 of **Federal Decree-Law No. 34/2022** came as a surprise to most advocates, as it states the fee awarded in a matter must not exceed 25% of the value of the right awarded. In the past fee percentages were never mentioned when handling litigation cases as this was forbidden by **Federal Law No. 23/1991**.





© Gettyimages/istockphoto

### WHAT GLOBAL DEVELOPMENTS (E.G., OIL PRICES, SANCTIONS, TECHNOLOGY) ARE HAVING THE MOST IMPACT ON YOUR FIRM – ITS WORK AND STRUCTURE?

Last summer I had the privilege of meeting Richard Susskind in London who gave me a signed copy of his book 'The Future of the Professions'. His presentation on the future of the legal profession made me realise the traditional way of functioning as a law firm or even functioning as a lawyer is going to change, because we moved from a print-based industrial society into a technology-based Internet society, which means there are alternatives that must be explored and investigated.

Today, with the increased use of technology and the Internet we are witnessing waves of change which show us there is always room of improvement in the way we humans operate in our profession. We need to accept the fact that the use of AI will disrupt the traditional ways law firms operate.

For example, with the recent discussions on ChatGPT have made it necessary for universities

and schools to find a way to monitor how their students will handle exams and/or projects in a future where this chatbot can create essays for them in a blink of an eye without students having to think, research or spend hours in a library researching.

I remember in the past when we had to head to the Notary Public to get a notarised Power of Attorney (POA) in order to act on behalf of a client. Today this can have this done in a matter of seconds sitting in our offices with a click of a button because of the automation with the Dubai Court website we can now create a POA with a client sitting in another jurisdiction and have all their documents verified and processed.

Advances in technology and the use of the internet are making life easier.

I believe, and it has also been suggested in Richard Susskind's book that expert machines will become increasingly capable. Devices will become increasingly pervasive and human beings will become increasingly connected.

The way technology is used in the professions is very much in our own hands. ■



## CHARLOTTE BIJLANI, PARTNER, WATSON FARLEY & WILLIAMS (MIDDLE EAST) LLP

**C**harlotte Bijlani specialises in complex international arbitration and commercial litigation across sectors including energy, infrastructure, maritime and aviation. She has full rights of audience before both the DIFC courts and the higher courts of England and Wales. She also regularly assists clients on mediation, expert determinations and managing dispute risk and avoidance. She has extensive expertise in data protection laws and regulations. In addition, she regularly sits as an arbitrator in ad hoc, ICC, LCIA and DIFC-LCIA arbitrations.

### WHAT IS NEW WITH YOUR FIRM, AND WHAT ARE YOUR PLANS FOR 2023?

We are continuing to grow our infrastructure business, an area in which WFW has long been active, alongside transport and energy, with which it has strong synergies. We also recently opened our 18th office in Seoul, South Korea. We are also continuing to develop our firm culture, which includes promoting and investing in well-being, diversity and inclusion across the firm as well as sustainability which is at the heart of everything we do as a business.

**“WE WILL BE FOCUSING ON PROMOTING OUR ENERGY TRANSITION EXPERTISE, WHICH IMPACTS ALL AREAS OF OUR BUSINESS..”**

### WHICH PRACTICE AREAS DO YOU SEE GROWING IN 2023? WHAT ARE THE DRIVERS BEHIND THAT?

We plan to continue to strengthen and expand our capabilities across all service lines in energy and transport which are our core sectors, with a focus on infrastructure. We will also be focusing on promoting our energy transition expertise, which impacts all areas of our business and is part of our commitment as a firm to sustainability. We are also continuing to expand our global dispute resolution practice which has grown impressively over the last

few years and includes a number of lateral hires across Asia and Europe.

### WHAT DISPUTE RESOLUTION TRENDS DID YOU SEE IN 2022 – AND HOW DID THAT COMPARE WITH THE PREVIOUS YEAR?

2022 was shadowed by a high degree of uncertainty predominately arising from Russian's invasion of Ukraine. The rapidly evolving EU, UK and US sanctions have kept legal practitioners on their toes and dispute resolution lawyers, have had to be quick and nimble in reacting to the impact of the sanctions on their clients. For example, in the UAE we have seen a large number of aircraft repossessions by lessors as a result of the sanctions and an increasing use of the DIFC Courts for freezing orders which can in practice be issued far quicker than through the onshore court system.

In 2021 one of the most significant UAE developments was the sudden abolition of the DIFC-LCIA arbitration centre. This development took many people by surprise and led not only to uncertainty about what the new DIAC rules would look like but also on the constitution and operation of the DIAC Court. This resulted in some clients seeking legal advice on which arbitration centres were best placed to administer international disputes.

### WHAT ARE THE KEY FORTHCOMING UAE LEGISLATIVE CHANGES YOU ANTICIPATE OR HOPE FOR IN 2023?

At the start of 2023, we have seen the implementation of new Emiratisation laws to support the localisation of the workforce. These laws apply to companies registered with the Ministry of Human Resources and Emiratisation (MOHRE)



but not free zone companies. Affected employers with more than 50 employees must recruit UAE nationals at the rate of 2% per year.

In the UAE there have also been other significant legislative changes designed to align the region with international best practice and help attract foreign investment. In 2023, we are expecting the UAE Federal Personal Data Protection Law (Federal Decree-Law No. 45/2021) Implementing Regulations to be passed, along with the Federal Competition Law and the new UAE Civil Procedures Law, Federal Decree-Law No. 42/2022. Federal Decree-Law No. 45/2021 is closely modelled on the EU GDPR but until the implementing regulations are issued, it is difficult for those affected by it to prepare themselves for compliance and understand what the consequences of non-compliance could be. The changes brought about Federal Decree-Law No. 42/2022 are significant and include the onshore courts being able to allow cases to be conducted in English.

Other major change will be the UAE's Corporate Tax Law Federal Decree-Law No. 47/2022 which will also come into effect in June 2023 imposing 9 % tax on annual income over 375,000 AED. The introduction of this law follows on from the relatively recent introduction of VAT in the UAE, but the corporate tax rate is significantly lower than it is in many other business hub jurisdictions. Again, with this law are still awaiting implementing regulations for further detail on how this law will work in practice particularly in relation to free zone entities.

The surge in virtual currencies such as bitcoin in the UAE has also been notable and we expect to see stricter regulation of the trading of virtual assets by Dubai's own virtual asset regulator, the Virtual Asset Recovery Authority (VARA) which was established under Dubai Decree Law No. 4/2022 regulating virtual assets in the Emirate of Dubai. It is also anticipated anti money laundering regulations which specifically deal with virtual assets will be issued.

#### **WHAT GLOBAL DEVELOPMENTS (E.G., OIL PRICES, SANCTIONS, TECHNOLOGY) ARE HAVING THE MOST IMPACT ON YOUR FIRM – ITS WORK AND STRUCTURE?**

From a geopolitical perspective, Russia's invasion of Ukraine and the consequent sanctions regimes and energy price spike have obviously had an impact, especially on the transport and energy sectors. Meanwhile, Technology and IT continues to change the legal sector, with increased client focus on firms' legal technology capabilities beyond just their information security credentials. ■



© Getty Images/Stockphoto





## SARAH MALIK, FOUNDER AND CEO, SOL INTERNATIONAL

**S**arah Malik is an award-winning lawyer, founder and CEO of SOL International. She is an internationally recognised Counsel and speaker. She holds visiting lecture positions at universities, is a published author and provides training to academies, the judiciary and governments worldwide. She set up SOL nearly five years ago and her firm has now become an internationally recognised brand.

### WHAT IS NEW WITH YOUR FIRM, AND WHAT ARE YOUR PLANS FOR 2023?

We are currently growing our Sports, Fashion, and Entertainment law offering and as a result are participating in international events with some of the biggest names in the game. We are also exploring different options for growth. Two of our trainees qualified as UK Solicitors this year and we have taken on a new paralegal. We remain very active with our legal events and seminar programme. However, we also plan to continue undertaking work in our core areas which include dispute resolution, private client work and employment law.

### WHICH PRACTICE AREAS DO YOU SEE GROWING IN 2023? WHAT ARE THE DRIVERS BEHIND THAT?

We think crypto disputes will be a hot topic this year owing to the lack of regulation governing crypto transactions. We have already seen problems arising, such as the collapse of major power houses and multi-jurisdictional issues which have been caused when exchanges have crashed. Interestingly, we are also seeing an increase in discrimination issues as both the UAE Labour law and DIFC Employment Law evolves in that area. We are currently involved with one of the first DIFC cases on discrimination and hope to see law on the protection of employees in the future.

### WHAT DISPUTE RESOLUTION TRENDS DID YOU SEE IN 2022 – AND HOW DID THAT COMPARE WITH THE PREVIOUS YEAR?

In 2022, we came across a number of partnership and shareholder disputes as businesses underwent post pandemic restructuring. We also noticed a rise in construction arbitrations following the delays which had been caused by COVID 19. We have also been involved in a number of employment and rental disputes, following the boom in the real estate market in the UAE. In addition, mediation is becoming increasingly becoming popular in the region as a means of dispute resolution. It is being

adopted by Dubai courts and by the ADGM and DIFC Courts and we think it will quickly gain traction in the UAE.

### WHAT ARE THE KEY FORTHCOMING UAE LEGISLATIVE CHANGES YOU ANTICIPATE OR HOPE FOR IN 2023?

The UAE government is constantly reviewing its laws and regulations to keep pace with the changing times and to provide a supportive environment for businesses and individuals. Some of the areas that may see legislative changes in 2023 include more changes in the labour laws.

As the UAE is working towards creating a more flexible labour market which is able to attract foreign talent, this may result more changes to current labour laws and regulations.

There could also be changes on real estate land as the government is expected to continue its work on regulating the real estate sector and helping to protect the rights of buyers and sellers. We may also see changes to the current tax laws and the UAE is expected to strengthen its cybersecurity laws to address the increasing threat of cyber-attacks and ensure critical infrastructure is protected.

### WHAT GLOBAL DEVELOPMENTS (E.G., OIL PRICES, SANCTIONS, TECHNOLOGY) ARE HAVING THE MOST IMPACT ON YOUR FIRM – ITS WORK AND STRUCTURE?

The different ways of working globally have had an impact on all employers including our own firm. Compared to pre-pandemic days, we now tend to have much less in person interaction with clients and more international clients are also happy to instruct overseas. Technology has also revolutionised the legal industry and the way disputes are handled. With hybrid working becoming the norm, tech has a huge bearing and impact on everyone. Changing economic conditions such as recession, inflation, and unemployment, may also have an impact on the demand for legal services, including dispute resolution. However, the increasing need for alternative dispute resolution mechanisms, such as mediation and arbitration, is also likely to have a positively impact on the demand for legal services. ■

# GLOBAL SEARCH AND CONSULTANCY FOR LEGAL, COMPLIANCE AND LEGAL TECHNOLOGY

JAMESON LEGAL   
Global Recruitment Specialists

JAMESON CONTRACT   
SOLUTIONS

JAMESON LEGAL TECH   
Technology for Lawyers



## PATRICIA TILLER , MANAGING PARTNER, HUNTON ANDREWS KURTH

**P**atricia Tiller has been the Managing Partner of Hunton Andrews Kurth's Dubai office since 2017. She has over 16 years of experience advising the energy industry. She has also advised on several first-of-a-kind projects in the energy-rich countries of the Middle East. In recent years, her practice has focused on the transition to net zero and helping clients make strategic decisions when structuring energy development and production projects.

### WHAT IS NEW WITH YOUR FIRM, AND WHAT ARE YOUR PLANS FOR 2023?

Hunton Andrews Kurth is committed to the region. Our focus on the energy industry in the Middle East remains strong, and our specialities include mergers and acquisitions, project finance, corporate governance and compliance, and projects across the energy value chain. As the world continues to focus on lowering carbon emissions and conserving resources, we stand at the forefront with our clients offering an innovative, solutions-based approach to achieving both sustainability and economic goals. Our team works to advance sustainable energy solutions drawing on a century of experience in the energy industry.

In 2023, we will be expanding our offering in privacy and data protection in the UAE, building on the Tier 1 reputation of our US and European-based privacy practice. The complex framework of global legal requirements affecting the collection, use and disclosure of personal information makes it necessary that modern businesses understand these issues if they want to effectively compete. The UAE Data Protection Law (Federal Decree Law No. 45/2021) came into force last year, and with extensive data protection regimes imposed on companies established in the DIFC ADGM, we have seen an increased emphasis on protecting personal data.

### WHICH PRACTICE AREAS DO YOU SEE GROWING IN 2023? WHAT ARE THE DRIVERS BEHIND THAT?

The energy transition and net zero goals of the UAE Government remain a key factor for projects in 2023, and we expect to see a rise in our practice areas focussed on hydrogen,

### THE HYDROGEN PRODUCTION MARKET IS EXPECTED TO GROW UP TO 10% PER YEAR THROUGH TO 2030"

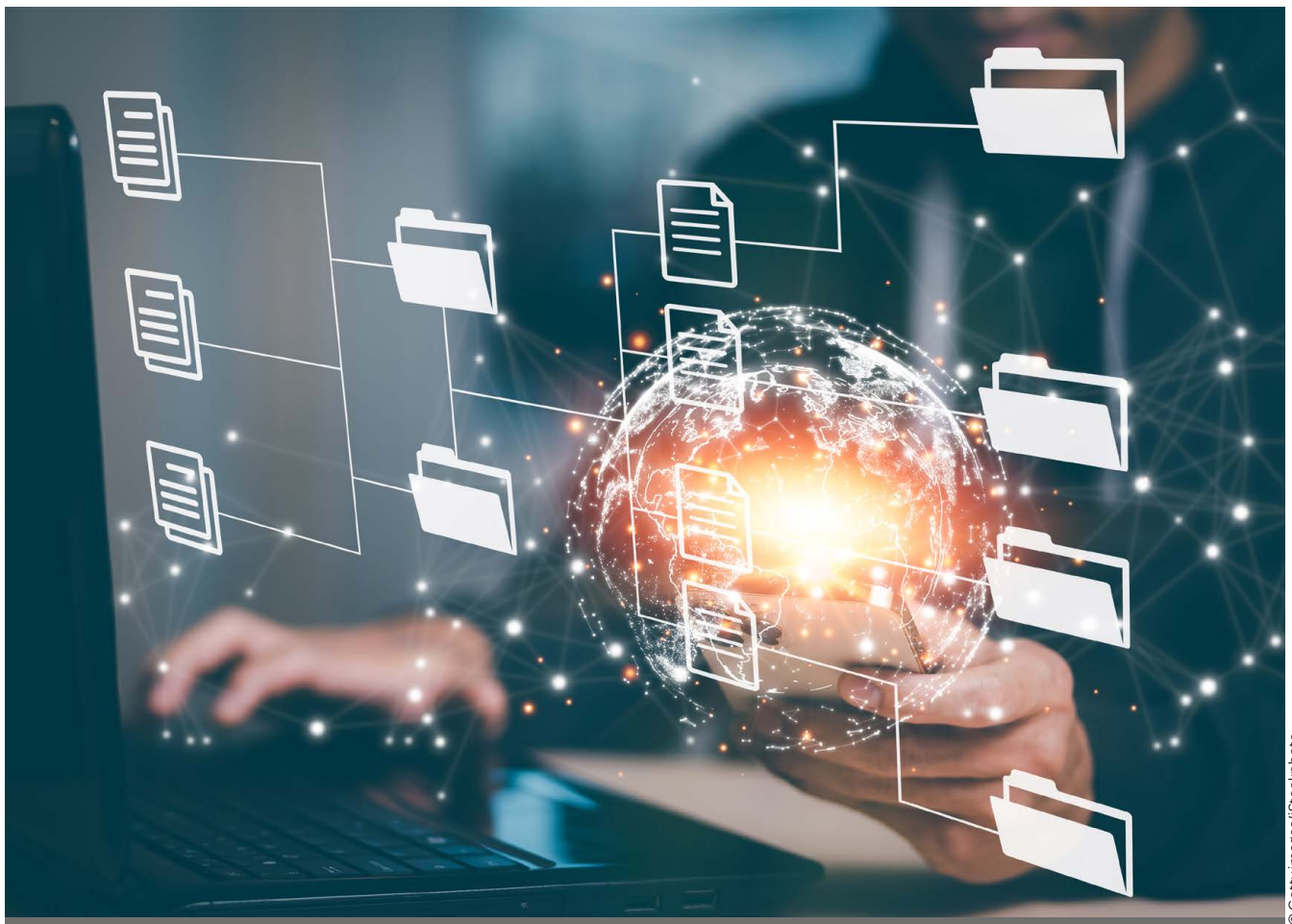
carbon offset technologies and the renewable energy industry. The hydrogen production market is expected to grow up to 10% per year through to 2030, and we are engaged in several high-profile projects throughout the Middle East. Our firm provides a full-service approach to assisting clients in the hydrogen space.

As hydrogen becomes a larger player, we are prepared to advise our clients on the entire value chain, including investment in clean energy, project development and finance.

To support energy transition, we also foresee an increase in investment in natural gas exploration and production, along with LNG imports remaining a significant part of the energy landscape in the Middle East. We anticipate continued growth in natural gas as a transition fuel and will continue to provide a robust team to support this practice area.

Given the recovery of the Chinese economy post-COVID, we are also now seeing renewed interest from Chinese investors in the region and expect significant inbound M&A activity from Asia. Bilateral commerce between China and the UAE reached new heights in recent years and we predict further growth in the infrastructure, healthcare, and technology sectors in 2023.





© Getty Images/iStockphoto

## “WE ANTICIPATE NEW LEGISLATION ALLOWING UAE AUTHORITIES TO TAKE PROPORTIONATE COUNTERMEASURES TO RESTRAIN MONEY LAUNDERING.”

### WHAT ARE THE KEY FORTHCOMING UAE LEGISLATIVE CHANGES YOU ANTICIPATE OR HOPE FOR IN 2023?

Following the Financial Action Task Force (FATF)’s decision to add UAE to its ‘grey list’, we expect the UAE to take a firmer stance to money laundering and to introduce enhanced measures for the investigation and prosecution of money laundering cases. We anticipate new legislation allowing UAE authorities to take proportionate countermeasures to restrain money laundering and to require enhanced due diligence by financial bodies.

Through our pro bono work in the UAE, we have also encountered issues arising from the UAE’s labour law excluding domestic workers (who are subject to a separate legal regime). Our

commitment to providing pro bono services has been a long-standing tradition since our firm was founded in 1901 and remains one of our core values today. The pro bono projects our Dubai office have primarily been involved in have included the protection of low-paid workers, women and children. Based on international best practice, the laws on domestic workers fall short of the protections needed for this at-risk category.

### WHAT GLOBAL DEVELOPMENTS (E.G., OIL PRICES, SANCTIONS, TECHNOLOGY) ARE HAVING THE MOST IMPACT ON YOUR FIRM – ITS WORK AND STRUCTURE?

Over two decades ago, Hunton Andrews Kurth was one of the first law firms to establish a formal flexible work arrangement programme for our lawyers and professional staff. Our reasons were (and still are) that we know a full, whole life includes professional success, personal achievement and strong connections to family, friends and community. We also know that our people can provide high-quality legal services to clients under a variety of working arrangements. Over the years, we have refined our flexible work models, so they continue to meet the needs of our clients, our practice teams, our people and their families. ■



## CATHERINE WORKMAN, HEAD OF MIDDLE EAST, PINSENT MASONS

**C**atherine Workman has over 25 years' experience of advising all levels of stakeholder on large scale projects where the main feature involves a partnership between the public and private sectors. Catherine has worked on PPP Projects in Albania, Bulgaria, Cyprus, Croatia, Ghana, Greece, Japan, Kosovo, Kuwait, Nigeria, Oman, Poland, South Africa, Saudi Arabia, the UAE and the UK. She has expertise in PPP projects involving ports, airports, hospitals, schools, roads, street lighting and island redevelopments. As well as sitting on Pinsent Masons' board, Catherine is also a board member of the British Aviation Group.

### WHAT IS NEW WITH YOUR FIRM AND WHAT ARE YOUR PLANS FOR 2023?

As a purpose-led, professional services business with law at the core, we are proud to announce our purpose-led business growth.

- Launched in Luxembourg; the firm's multinational presence now stands at 26 offices over four continents.
- There have been 11 new client solutions and products.
- We are supporting 125 clients with their responsible business and D&I strategies.
- We are one of the first law firms to have its science-based net-zero target verified.
- Over the past three years we have achieved the target of 45% of our legal director and partner promotion candidates being women.
- Our revenue has increased by just under 6% to £531.1m.
- We have invested in our multinational partnership with 75% of all lateral partner hires being based outside of the UK

Our plan for the Middle East in 2023 and beyond, is all about harnessing our talent and harnessing opportunities. We have achieved all our objectives set for the 2017 to 2022 five-year plan so are now looking at our next three to five year plan and how we will identify the greatest opportunities, develop and grow. This is a team effort and everyone across all our offices in the region has been involved in developing the proposition. We set up a stakeholder engagement team across a range of our team members (all non-partners) headed by a Senior Associate and included a PA, trainees, associates and senior associates who we the question 'As this your business too, what do you think we should be doing?' They produced an amazing

**WE ARE ABLE TO RESPOND TO THE SIGNIFICANT OPPORTUNITIES FOR TECH INNOVATION IN THE MIDDLE EAST AS THE REGION GOES THROUGH A DIGITAL TRANSFORMATION..."**

strategy document which we are using right now as the basis for the new strategy which will be presented to the board later this year.

### WHICH PRACTICE AREAS DO YOU SEE GROWING IN 2023? WHAT ARE THE DRIVERS BEHIND THAT?

The landscape here in the Middle East is constantly changing, with the digital future of the Middle East playing a key role. This includes Dubai leading the way to re-emerging as a pivotal hub for designing the future of the globalised digital economy and digital transformation playing a key role in Saudi Vision 2030. Last year we identified this as an important area and our first step was to ensure that we had on the ground resource to respond to this market. We recently welcomed a new TMT partner, Martin Hayward, to the team. Now with our local and global expertise in this area we are able to respond to the significant opportunities for tech innovation in the Middle East as the region goes through a digital transformation and burgeoning tech markets begin to gather pace on AI, cloud computing and 5G connectivity, with Saudi Vision 2030 being a great example of the



transformative changes happening in the market.

### **WHAT DISPUTES / LITIGATION TRENDS HAVE YOU OBSERVED IN 2022?**

In light of the pandemic, many companies are identifying potential risk areas with their current arrangements or future-working proposals. Our UK team launched a new working-from home audit tool to help financial services organisations understand the hidden litigation and regulatory risks associated with staff increasingly working from home on a more permanent basis. In addition, we are seeing a rise in the use of third-party funding for litigation generally but also in the Middle East.

### **WHAT ARE THE KEY FORTHCOMING UAE LEGISLATIVE CHANGES YOU ANTICIPATE OR HOPE FOR IN 2023?**

We recommend businesses develop a collaborative and agile strategy that can be quickly amended if new regulations are introduced. In sectors such as technology, uncertainty can actually be an advantage as it enables companies to think creatively and provides the flexibility to innovate and expand quickly, which can be tricky in markets that are heavily regulated.

One area we believe, and hope, will continue to grow is climate change, sustainability and ESG. With Egypt hosting COP 27 in 2022 and the UAE hosting COP 28 in 2023 even more focus will turn to these matters, particularly in relation to the process of energy transition for many of our clients. This creates an amazing opportunity to play our part in ensuring businesses can respond to the challenges. We will be working with our own Climate Change and Sustainability Advisory Team on how to develop client driven solutions.

### **WHAT GLOBAL DEVELOPMENTS ARE CURRENTLY HAVING THE MOST IMPACT ON THE WORK OR STRUCTURE OF YOUR FIRM? (E.G. ENERGY PRICES, SANCTIONS, TECHNOLOGY ETC.)**

There are certainly a number of obvious global developments which have an impact upon our business generally such as the economic fluctuations in the UK (we are a UK Headquartered business), the war in Ukraine and post pandemic recovery.

What is more interesting is the microcosm that we find ourselves in here in the Middle East. Economists say the MENA region will have 3.7% growth in 2023 compared to 0.5% in Europe and 1.3% in North America. This creates significant opportunities for us as professionals which we need to exploit. The impact on our work and structure relates to the fact that we need to be more nimble and agile about those opportunities and change and adapt our approach as required.

Someone once said to me “if you don’t like change you will like irrelevance even less”.

This is particularly relevant right now and we need to embrace change. ■



© Getty Images/Stockphoto





## DIANA HAMADE, FOUNDER, DIANA HAMADE ATTORNEYS AT LAW

**D**iana Hamade is the founder of Diana Hamade Attorneys at Law in Dubai which is a boutique law firm. She is a UAE-licensed lawyer with rights of audience before all UAE courts. Diana also undertakes international commercial arbitration work as both a counsel and arbitrator. She is licensed by the Ministry of Justice, the Dubai Legal Affairs Department and the Abu Dhabi Judicial Department, and is a registered practitioner in DIFC courts. She was involved in setting up two arbitration centres in Dubai.

### WHAT IS NEW WITH YOUR FIRM, AND WHAT ARE YOUR PLANS FOR 2023?

We pride ourselves on our international legal expertise and cross-border knowledge, across various areas of law, particularly our private client practice. Plans for 2023 are to grow our firm's legal practices and expand our global legal networks.

As part of the International Academy of Family Lawyers (IAFL), we attended the IAFL European Chapter Meeting in Venice held in February and took part in discussions on areas including European family law proposals. Currently, we are involved in creating a Middle East Chapter for the IAFL and look forward to this development.

In addition, we plan to continue to grow our commercial law and dispute resolution practices.

### WHICH PRACTICE AREAS DO YOU SEE GROWING IN 2023? WHAT ARE THE DRIVERS BEHIND THAT?

There are several areas in the UAE that we expect to grow in 2023 thanks to various recent new laws and amendments. Some of the most noteworthy of these are those on personal status matters following on from the introduction of legislation which caters to Non-Muslims in the UAE.

Dispute resolution and arbitration are also areas we expect to grow due to the recent changes in the DIFC setup that came about in 2022.

The New Civil Procedures Law, Federal Decree Law No. 42/2022 is likely to provide more international jurisdiction for more cases in the UAE.

There has been clear progress on Corporate-Commercial law, including increased data protection and privacy regulation in the UAE. There has also been changes on cybersecurity and a growth in national trade in line with the rapidly changing global business landscape.

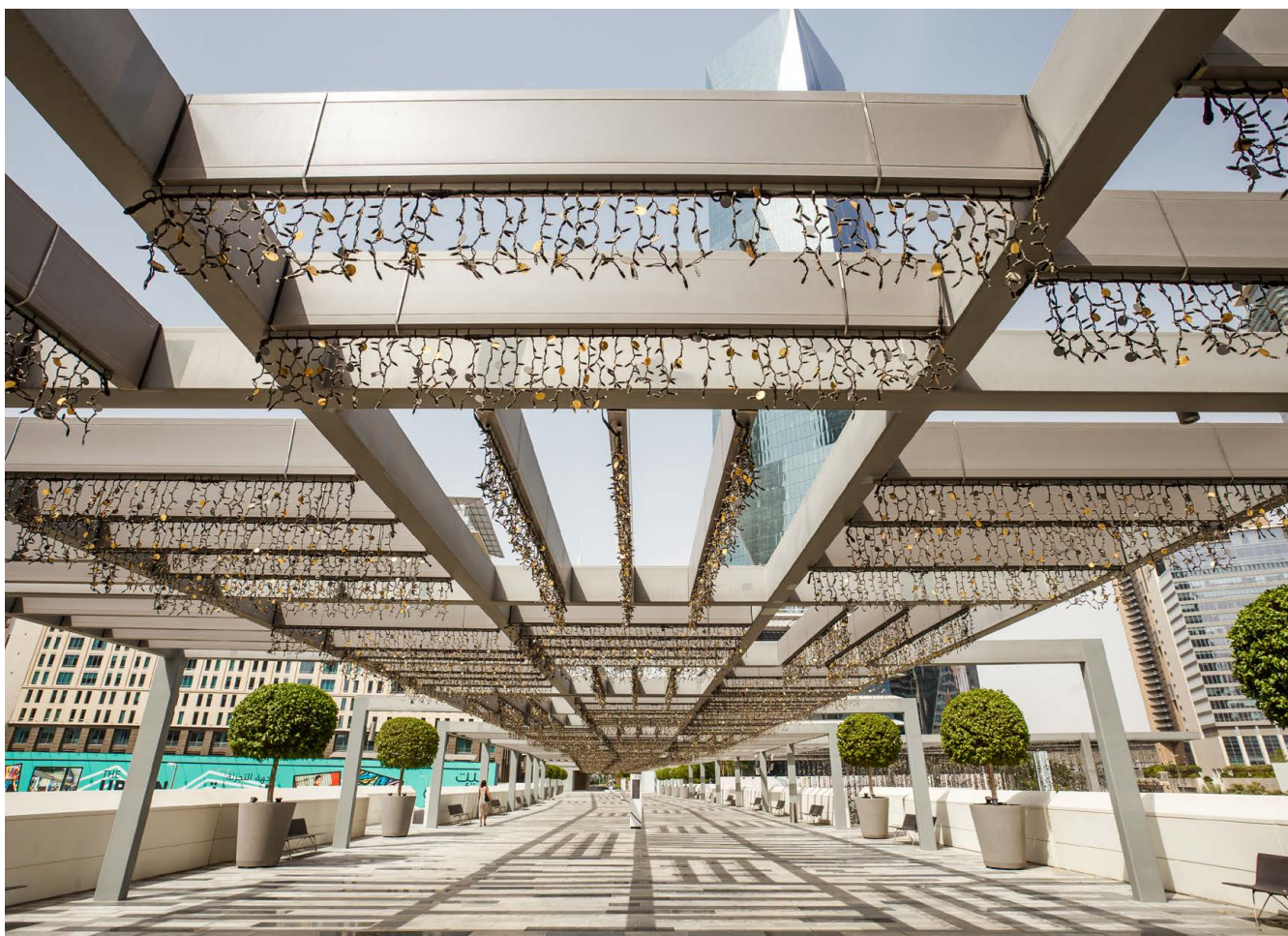
**“THERE HAS BEEN CLEAR PROGRESS IN CORPORATE-COMMERCIAL LAW INCLUDING INCREASED DATA PROTECTION AND DATA PRIVACY REGULATIONS”**

We will also be hosting the Women Business Lawyers Conference at the Inter-Pacific Bar Association (IPBA)'s, 'One World: Law and Environment Beyond COVID' event, which will give internationally renowned legal counsels the opportunity to connect with women business lawyers in the region to discuss adapting their own countries' legislation and impacts following on from COVID.

### WHAT DISPUTE RESOLUTION TRENDS DID YOU SEE IN 2022 – AND HOW DID THAT COMPARE WITH THE PREVIOUS YEAR?

Disputes is a practice area that will keep expanding. We also expect to see a rise in the number of tech start-ups and enterprises which need legal counsel. The demand for specialist legal counsels in these areas has increased as a result of the development of the digital age and ICT initiatives.

In the past construction conflicts and the real estate industry have been frequent subjects of legal disputes and arbitrations. However, parties to arbitration are now more prepared to submit a



© Gettyimages/Stockphoto

wider variety of general business issues and not only specialist conflicts.

Dubai is now a popular arbitration venue in the region as are the DIFC and the Abu Dhabi Global Market (ADGM). The DIFC will serve as the first seat of arbitration for arbitrations conducted in accordance with the new 2022 DIAC Rules when parties have not designated a seat until a tribunal determines the seat.

#### **WHAT ARE THE KEY FORTHCOMING UAE LEGISLATIVE CHANGES YOU ANTICIPATE OR HOPE FOR IN 2023?**

The UAE's legal landscape has changed significantly in recent years. Around 100 laws have been amended in the last two years.

Although we do not expect significant legislative changes in 2023, we would like to see greater clarity and consistency in the application and interpretation of existing laws.

Currently, we are waiting for implementing regulations for Federal Decree-Law No. 41/2022 on Civil Personal Status (for non-muslims). This is a highly anticipated piece of legislation which came into force in February 2023.

It is also likely the UAE will take more steps to align its legislation to international legal standards, even though it does not seem likely that the UAE will become a party to the Hague Convention anytime soon.

#### **WHAT GLOBAL DEVELOPMENTS (E.G., OIL PRICES, SANCTIONS, TECHNOLOGY) ARE HAVING THE MOST IMPACT ON YOUR FIRM – ITS WORK AND STRUCTURE?**

Technology has strong impact on our firm, and it is taking a larger and larger part in our work. We are constantly looking at adapting new technology so we can provide better, more efficient services to our clients.



**DUBAI IS NOW A POPULAR ARBITRATION VENUE IN THE REGION AS ARE THE DIFC AND ADGM."**

We are planning to introduce new online tools and legal platforms and incorporating AI Software in our systems.

This will help us to automate repetitive and time-consuming tasks and free-up time for lawyers to focus on the higher-end tasks which require more human judgment and creativity than other processes. ■



# A sophisticated hearing facility in Abu Dhabi's award winning financial centre



Outstanding technology supporting virtual, hybrid and physical arbitration hearings, mediations and conferences

## BOOK OUR FACILITIES

✉ [enquiry@adgmac.com](mailto:enquiry@adgmac.com)

🌐 [adgm.com/arbitrationcentre](http://adgm.com/arbitrationcentre)

📷 @adglobalmarket



ADGM  
Arbitration Centre