



## The Courts of the Future Forum Charter

### **1. Purpose**

- 1.1 To establish rules for the Courts of the Future Forum through a cross-functional group of subject matter talent from around the world, bringing practitioners and those in industry together to identify the challenges of the Future, and to agree how Courts should best address them.
- 1.2 To advise the Courts about:
  - (a) the current performance and reputation of the Courts as perceived by the Forum members in relation to handling of the disputes of the future;
  - (b) the strategic direction required for the Courts to maintain and improve their knowledge, performance and reputation regarding future IP, construction, technology and other related disputes;
  - (c) developments and trends in the arena of international dispute resolution which may have an impact on the DIFC Courts and its operation and which, if adopted, might benefit the DIFC Courts and its users in resolving disputes of the future.
- 1.3 To discuss the members' perspective on the changing nature of law and technology to be able to effectively resolve disputes of the future.
- 1.4 To suggest ways of improving the efficiency of the Courts' procedures so that cases can be heard and determined efficiently, cost effectively, globally and without undue delay, all without compromising the quality of the service and the Courts' aim of dealing fairly and justly with all users.

## **2. Chairman**

- 2.1 The Forum shall elect a Chairman at the first meeting of each calendar year and the Chairman shall be a member of the Forum. The term of each Chairman shall be one year provided that nothing shall prevent the Forum electing the same person as Chairman for more than one year.
- 2.2 Each meeting of the Forum will be chaired by the Chairman, or by another member nominated by the Chairman for that meeting.
- 2.3 The Chairman will be in charge of:
  - (a) Managing the timely progress of the meeting and following up on tasks at the members' level.
  - (b) Reporting to the Chief Justice (or his nominee) about key issues and suggestions made by the Forum members that would help the Courts to achieve its goals and vision.
  - (c) Re-assigning issues that the Forum views must be handled at the higher level to the Chief Justice (or his nominee).

## **3. Members**

- 3.1 The Forum shall consist of no more than 15 organisations which have considerable expertise in advising on or considering issues pertaining to Courts of the Future, Disputes of the Future and/or Law of the Future.
- 3.2 In addition, the Registrar General and Registrar of the Courts shall be ex-officio but non-voting members.
- 3.3 Each voting member shall be represented by a delegate (the 'Delegate') who shall have the right to vote on behalf of the member at meetings. It is the responsibility of the member to nominate that Delegate, and to inform the Secretary should that nomination change (whether generally or for any single meeting).
- 3.4 Each Delegate may be accompanied by another person (e.g. a professional colleague) on prior notice to the Secretary, but such other person shall not have any voting rights.
- 3.5 Should the number of voting members on the Forum be less than 15, the Forum may appoint such number of additional members to the Forum as is necessary to ensure that there are 15 members on the Forum.
- 3.6 Should any member fail to send a representative to two consecutive meetings without having provided a reasonable excuse to the Secretary, that membership may be revoked.

- 3.7 The Forum may appoint sub-committees and may invite any person to assist the Forum or serve on a sub-committee. All sub-committees shall conduct their activities in accordance with the objectives of the Forum and with any directions of the Forum.
- 3.8 The Chief Justice may, if he considers it in the best interests of the Forum and its goals, vary or amend this Charter upon notification, and if time permits, consultation, with the Forum. In addition, should the Forum wish to vary or amend this Charter, that request shall be made on behalf of the Forum by its Chairman to the Chief Justice.

#### **4. Meeting Votes and Documentation**

- 4.1 The venue for each meeting shall be determined by the Chairman although the Forum shall endeavour to use technology for its meetings as much as possible.
- 4.2 A quorum shall be duly constituted when at least fifty percent of voting members are present. When a quorum is present, matters shall be determined by a majority vote cast by voting members who are present.
- 4.3 The Chairman shall have a casting vote.
- 4.4 It is the responsibility of the Forum Secretary, who will be one of the Dispute Resolution Authority's staff, to compile the necessary documents in a timely manner.
- 4.5 The Forum Secretary or substitute shall record Minutes of each meeting which shall be distributed to all members not later than two (2) weeks thereafter.

#### **5. Scope of Authority**

- 5.1 The Forum shall advise the Courts on the likely disputes of the future and provide guidance on how the Courts might best adjust their policies, rules and procedures to best support the resolution of those disputes and to become recognised as a world leader in anticipating the disputes of the future. The Forum shall not have authority regarding the implementation of the suggestion or the advice, judicial matters and/or administrative work of the Courts, including without limitation:
- (a) Budgetary issues
  - (b) Strategic matters
  - (c) Judicial matters
  - (d) Policy matters
  - (e) Communications (e.g. with external entities, governments,

bodies, etc.)

- (f) Specific cases pending before the Courts

## **6. Confidentiality**

At any of its meetings, the Forum may determine, by a majority of the voting members present, that all or part of the proceedings shall be treated as confidential to its members.

## **7. Timings**

The Forum shall hold meetings at least three times each year and at such other times as they may agree. Further meetings may be called by the Chairman on his or her own motion or upon the request of three (3) voting members of the Forum upon not less than three day's notice in writing to all members.