

# Client Alert

Trial and Global Disputes

**MAY 24, 2024**

For more information,  
contact:

Ben Williams  
+971 4 377 9946  
[bwilliams@kslaw.com](mailto:bwilliams@kslaw.com)

Adam Gray  
+971 4 377 9931  
[agray@kslaw.com](mailto:agray@kslaw.com)

Kateryna Frolova  
+971 4 377 9928  
[kfrolova@kslaw.com](mailto:kfrolova@kslaw.com)

Sophia Cafoor-Camps  
+971 4 377 9948  
[scafoorcamps@kslaw.com](mailto:scafoorcamps@kslaw.com)

Catherine Munro  
+44 20 7551 2189  
[cmunro@kslaw.com](mailto:cmunro@kslaw.com)

## King & Spalding

Dubai  
Al Fattan Currency House  
Tower 2, Level 24  
Dubai International Finance  
Centre  
P.O. Box 506547  
Dubai, UAE  
Tel. +971 4 377 9900

## Enhancing Jurisdictional Clarity: Dubai's New Judicial Authority

### BACKGROUND

On 18 April 2024, the Ruler of Dubai established the “Judicial Authority for Resolving Jurisdictional Conflicts between the DIFC Courts and the Judicial Bodies in the Emirate of Dubai” (New Judicial Authority). This new body, established by Decree No. 29 of 2024, replaces the Joint Judicial Committee, which had been in operation since 2016.

In recent years, conflicts over jurisdiction between the DIFC Courts and the ‘onshore’ Dubai Courts have increased, driven by both courts’ expansive interpretations of their jurisdictional reach. This has led to instances of parallel proceedings in both courts, undermining the administration of good justice.

The New Judicial Authority, previously operating as the Joint Judicial Committee in a part-judicial and part-advisory capacity, will now address jurisdictional challenges between the DIFC Courts and various “Judicial Bodies”—a newly defined term that includes the Dubai Courts, the Rental Disputes Resolution Centre, judicial committees formed by decree or decision of the Ruler or Chairman, and other bodies recognized as judicial authorities in Dubai. It will determine the appropriate venue for claims and consider the enforceability of conflicting judgments issued on the same matter by the DIFC Courts and other Judicial Bodies.

Consequently, the New Judicial Authority will have a broader scope of responsibilities compared to the Joint Judicial Committee, which previously focused solely on jurisdictional conflicts between the DIFC Courts and the Dubai Courts.

### KEY CHANGES

The Decree introduces a system of precedent, whereby decisions made by the New Judicial Authority on points of law are binding on all judicial bodies, including the DIFC Courts. The adoption of this principle, rooted in



common law, aims to create a more consistent framework for addressing jurisdictional challenges.

The New Judicial Authority will retain the Secretary General of the Joint Judicial Committee, and three judges from both the Dubai courts and the DIFC Courts. To help manage the anticipated increase in the body's workload, the Decree also establishes a new position of "Deputy Chairman", to be held by the Deputy Chief Justice of the DIFC Courts. The President of the Court of Cassation in the Dubai Court will continue to serve as Chairman.

### KEY TAKEAWAYS

By establishing a system of precedent, the New Judicial Authority aims to provide greater clarity for parties on the appropriate forum for resolving disputes that are connected to Dubai, and to create a more predictable framework for parties looking to make jurisdictional challenges.

The New Judicial Authority's decisions will form a body of binding precedent on jurisdictional conflicts. Parties should stay informed of these decisions, as the precedent can only be contested before the New Judicial Authority in a separate case, as there is no right to appeal in the courts or Judicial Bodies where the substantive dispute occurs.

Notably, to avoid delays, parties should also reconsider the common practice of initiating parallel proceedings, since the automatic stay on such proceedings while the New Judicial Authority resolves a jurisdictional conflict could extend for over 30 days.

---

### ABOUT KING & SPALDING

Celebrating more than 130 years of service, King & Spalding is an international law firm that represents a broad array of clients, including half of the Fortune Global 100, with 1,300 lawyers in 24 offices in the United States, Europe, the Middle East and Asia. The firm has handled matters in over 160 countries on six continents and is consistently recognized for the results it obtains, uncompromising commitment to quality, and dedication to understanding the business and culture of its clients.

This alert provides a general summary of recent legal developments. It is not intended to be and should not be relied upon as legal advice. In some jurisdictions, this may be considered "Attorney Advertising." View our [Privacy Notice](#).

ABU DHABI	CHARLOTTE	DUBAI	LONDON	NORTHERN VIRGINIA	SILICON VALLEY
ATLANTA	CHICAGO	FRANKFURT	LOS ANGELES	PARIS	SINGAPORE
AUSTIN	DALLAS	GENEVA	MIAMI	RIYADH	TOKYO
BRUSSELS	DENVER	HOUSTON	NEW YORK	SAN FRANCISCO	WASHINGTON, D.C.