The Abu Dhabi Global Market (“ADGM”) was set up in 2013 as the financial free zone located in Al Maryah Island, Abu Dhabi. Since 2013, ADGM has taken important steps to establish itself as one of the key international financial centres in the region.

The ADGM takes pride in its pro-arbitration framework, which is supported by the ADGM Arbitration Centre (“ADGMAC”). ADGMAC is not an arbitration institution itself but provides a neutral hearing facility to be used by parties regardless of which arbitral institution they have chosen to administer their dispute.

On 17 September 2019, ADGMAC published the ADGMAC Arbitration Guidelines. These are said to provide all participants in an arbitration dispute with a set of best practice procedures to ultimately provide greater certainty and efficiency to the arbitral process “whilst ensuring fairness, equality and due process.”

The guidelines are divided into the following “modules”:

- Module 1 – Written Submissions, Issues and Applications
- Module 2 – Fact Witness Evidence
- Module 3 – Expert Witness Evidence
- Module 4 – Documentary Evidence
- Module 5 – Hearings
- Module 6 – Counsel Conduct

Interestingly, Module 6 regarding Counsel Conduct sets out a list of guidelines for the legal representatives of the parties to the dispute which relate mainly to the integrity of the legal representative themselves as well as the effect of this on the integrity of the proceedings in question. The guidelines provide an avenue for complaint to the Tribunal in the event that a breach of Module 6 occurs. The potential sanctions for breach of this module include a written reprimand or caution to the legal representative, adverse inferences when assessing evidence relied upon and an award of costs against the party instructing the legal representative.

The guidelines are provided in Microsoft Word format so that they may be adapted by the Tribunal and parties as appropriate. Further, ADGMAC intends for the guidelines to be applicable to ad hoc arbitral proceedings as well as to complement the rules published by leading arbitral institutions. ADGMAC proposes that the guidelines may be adopted by parties at any stage of the dispute process and has designed the rules to apply neutrally to proceedings involving parties from different legal systems and traditions.

Upon an initial review of the guidelines, it is clear that they represent a modern solution with a focus on time and cost efficiency which we know has been a concern of many of our clients in the region whose dispute resolution clauses provide for arbitration. It will be interesting to see whether parties will be interested in these guidelines, which would further cement ADGM’s status within the dispute resolution players in the region.

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