

Local V international lawyers

Essam Al Tamimi - Chairman, Board Member – Dubai International Chamber - Private Client Services / Arbitration / Litigation / Family Business

e.tamimi@tamimi.com - Dubai International Financial Centre

July – August 2013

The world has changed dramatically since that simple time. As a result of globalisation, many transactions are now effected across a number of jurisdictions and many law firms have opened global offices in response to the internationalisation of business.

In response to globalisation's affect on the legal industry, some regulators have enacted legislation to protect their local lawyers. India, for example, is closed to foreign lawyers. In my opinion, this is not good practice because the legal industry and clients both benefit from total competition. Competition puts pressure on lawyers to maintain a high level of skills and receive ongoing training. It was as recent as 2011 that the Dubai Civil Court of Appeals ruled that non-Emirati lawyers may represent clients in all courts in Dubai and local lawyers were no longer protected.

Local lawyers risk becoming irrelevant if they do not get up to speed with international standards and practices. International contracts are usually drafted in English and are governed by English law. The English language is now a fundamental skill for lawyers. The areas of local lawyers' expertise are getting smaller because they are only advising clients on how contracts apply in a certain country. Local lawyers will consider if a contract is enforceable in the country and if it conflicts with any local laws. Their input is unlikely to go further than that because they are not trained in English law and do not have the qualifications to advise on English law.

In certain sectors there are unified language, principles and contracts. This is apparent in sectors such as banking, shipping, intellectual property, oil and gas, insurance and telecommunications where few local clauses are incorporated into international contracts. With respect to the oil and gas industry, lawyers from around the world work together to create standard contracts that are industry specific. When clients enter into agreements for major projects they use the standard contracts which are beneficial because the lawyers are already familiar with the terms of the contract and minimal negotiation is required.

Local lawyers need to receive training in certain areas so they are familiar with standard contracts and the law which governs them, which tends to be English. Legal education is modernising and local lawyers need to develop more to be valuable to their clients. We are seeing local law firms merge with international law firms who gain the local knowledge and can consequently advise on contracts as a whole. This can result in the local firm losing its identity and changing beyond recognition.

Clients seek lawyers with specialised skills and relevant experience. They do not choose lawyers based on whether they are local or international. Local lawyers need to focus on learning and development to achieve an international level capability or they will be bypassed.

Junior lawyers in particular need to ensure they are receiving ongoing training and increasing their skill set. Al Tamimi & Company established its Centre for Professional Development which provides a framework for the coordinated development of all professional staff in the firm as well as career paths and courses for support staff. The Centre for Development also introduced a fast track Management Development Programme aimed at lawyers with partnership potential. It is our intention that the Centre for Development will ensure our lawyers receive ongoing training and develop the skill set required to successfully advise clients in today's global business environment.