

# FROM JEDDAH TO LONDON – AND BACK AGAIN

*Ali Almihdar is reported to be the first Saudi Arabian lawyer to practise at a set of English barristers' chambers. Jonathan Ames talks to him about returning to college*



The creator of one of England's most famous barristers – Rumpole of the Bailey – shuffled off last month to make pleadings before the highest court in creation. While he had his own successful career at the bar – spanning some 36 years and including the award of silk – it was John Mortimer's fictional character that epitomised the crusty, irascibly independent and ultimately sharp-witted lawyer that for so many embodied the enduring lure of the barristers' profession.

On the face of it, Ali Almihdar couldn't be farther removed from the Rumpole stereotype. Whereas the cynical fictional character was brusque to the point of rudeness and covered in, at times, the still-smouldering ash of a slim cheroot, Almihdar is courteous in the extreme and so smartly turned out that it is impossible to imagine a spec of fluff or lint getting within 10 paces of his sharply pressed suit.

But he and Rumpole share a crucial trait – they are both adventurous and keen on a challenge. There wasn't an "impossible" criminal defence the former wouldn't grasp with relish; and the latter has within the past few weeks become the first Saudi Arabian lawyer to be awarded a door tenancy at an English set of chambers.

## BACK TO SCHOOL

It takes tenacity and confidence to turn back the clock after

more than 30 years' professional practice to retrain in another jurisdiction. It is daunting enough to have to sit in lecture halls where fellow students half your age probably assume you are a visiting professor. But balancing a tough learning schedule with keeping a fully functioning law firm in business more than 3,000 miles away in the Gulf makes the task too harsh to imagine for most.

"I found the experience very invigorating," says Almihdar, reflecting on his time on the bar vocational course at the highly

**"IT WOULD BE USEFUL FOR CLIENTS IF WE WERE ABLE TO TAKE THEIR WORK ABROAD AND THE ONLY WAY TO DO THAT WAS TO GET A QUALIFICATION IN ANOTHER JURISDICTION"**

esteemed College of Law of England and Wales. Sitting in the modern meeting rooms at his new part-time home of Outer Temple Chambers, he comments that his return to the classroom "brought me back to my youthful days of sitting at school – all the worries of exams".

Almihdar couldn't be closer to the heart of legal London – the chambers are on The Strand and almost immediately opposite the Gothic spires of the Royal Courts of Justice. But why did he go to the trouble? After all, he and his brother – who both left civil service posts with the

Saudi government more than 30 years ago to launch their law firm – had been quite happily running a successful Jeddah-based practice.

Unsurprisingly dubbed Almihdar Law Firm, it has a total of five lawyers on its books, providing a full service practice to a range of local clients.

"Over the years, our clients have often asked us about representing them abroad – especially those who have joint venture partners in the UK, US or Europe," explains Almihdar. "Until now we've found it acceptable to pass them on to

contacts we have in the legal professions [in other countries]. But over the last few years we've thought that it would be useful for clients if we were able to take their work abroad and the only way to do that was to get a qualification in another jurisdiction."

England was the obvious choice as both the brothers had been educated in the UK. Indeed, what Almihdar has in common with so many of his now brethren at the English bar, is that he has an Oxbridge degree tucked away in the bottom of a desk drawer at

home (his coming from the "bridge" side of that amalgam).

## IMPECCABLE PEDIGREE

Indeed, his pedigree is impeccable, making it easy to understand why the senior barristers at Outer Temple were keen to get Almihdar on board. In addition to his stint at Cambridge, he has a diploma in shari'a law and is currently studying for a PhD on the concept of fairness in contracts at Egypt's Alexandria University.

Following the vocational course at the College of Law, Almihdar needed to find a pupillage. Again, attempting to balance a process that normally lasts a full year (on low wages to boot) with running a successful practice back in Saudi Arabia was always going to tax his time management skills.

However, the Bar Council of England and Wales agreed to a dispensation, halving the pupillage to six months and allowing Almihdar to do it in chunks of three to four weeks. Serle Court in London took him on, with the recently made-up silk, Nicholas Lavender, acting as pupil master. Indeed, it is slightly ironic that he was pupilled at Serle as it is the London chamber of international public law QC, Khawar Qureshi, who last year became the first English barrister to launch a permanently staffed set in the Gulf when he founded McNair Chambers in Doha.

Almihdar is the former legal advisor and current external counsel to the Saudi petroleum and mineral resources minister (in a country that is the single biggest producer of crude oil in the world and in which oil revenue accounts for 75 per cent of national income, that's about as close to the top as you can get without actually being king). And for the past decade Almihdar has been the Saudi honorary legal adviser to the British consulate in Jeddah.

With the connections to the UK and the client demand in place, all that remained was the logistics of qualifying and then practising in England. And it is at this stage that this magazine plays a crucial role in the story.

Back in 2007, Outer Temple Chambers struck a deal with a local law firm in the UAE capital, Abu Dhabi, which saw the chambers launch a foothold in the region. The development was duly reported in the pages of *The Brief*, with head of chambers, Richard Lissack QC, explaining why he thought the growing Gulf legal market was ripe for exploitation by the English bar.

"*The Brief* led us to this chambers," relates Almihdar. "I'd never heard of a set of chambers actually setting up an annex in the Middle East. I contacted Richard Lissack about seven months ago and there was enthusiasm on their part so we moved matters forward very quickly."

#### FOLLOWING CLIENTS

Globalisation is very much at the core of arrangement; despite the tightening economic climate, Outer Temple still sees long-term prospects for the English bar in the Middle East (a view enthusiastically supported by the Bar Council as last year its top brass conducted a high-profile promotional tour of the region). And for his part, Almihdar is equally clear: "My guiding principle is that I will follow the work wherever it is. It will presumably start with clients in Jeddah who need to be represented here in London. I have an office here at chambers and I'll be able to tap the resources of chambers whenever I need research to be done or to have a junior to assist in court work."

While Saudi lawyers are far less likely than their English counterparts to specialise in specific narrow fields, Almihdar



THE HEART OF LEGAL LONDON: THE ROYAL COURTS OF JUSTICE

focuses for the most part on commercial work. And just as he is committed to following the work wherever his clients lead, he is likewise adamant in the rationale for the route he and his firm have adopted. It may have been a far easier and less time consuming process to form a joint venture with one of the increasing number of global law firms queuing to break into the Saudi market, but he is adamant that doing so did not appeal.

"The existing relations between local and global firms in the Gulf are purely commer-

cial," he explains. "The foreign firms are interested in getting the local man's name. We've chosen this route because we feel we need to be part of the work and not just a name.

Doing it this way, we can represent the clients ourselves with the help of all the people here."

Nonetheless, Almihdar sees the position regarding the legal profession in Saudi Arabia gradually evolving, albeit not quickly enough to accommodate the business plan of his firm. However, ultimately, he maintains global economics

and Saudi Arabia's desire to open its doors to outside investment and commercial activity will result in the country's indigenous law firms adopting a more muscular role.

#### GLARING DIFFERENCES

That evolution brings its own difficulties – not least the conflict between the kingdom's desire to open to western finance and investment, while maintaining its strict adherence to Islamic law. Almihdar agrees that there are sharp cultural differences, but that the issue is not insurmountable. "Our interest is the commercial aspects of the law," he comments. "A contract is a contract and business is business everywhere. I don't think you will find much difference in implementing contracts in Saudi Arabia, Abu Dhabi, Paris or London.

"The big glaring differences are in areas such as family law or the limits imposed on individuals' conduct in public. There are obviously differences – the two societies are totally different; Saudi Arabia tends to be very conservative and it will not be able to accept the levels of freedom of conduct that people in Dubai would accept."

But, indeed, isn't that exactly the conundrum? To expand certain sectors – with the most obvious being tourism and leisure – do not Islamic countries have to compromise and allow most elements of everyday western behaviour? For example, a little longer than a generation ago, it would have been difficult to imagine women wearing the same swimming costumes on a Dubai beach as they do in St Tropez; today it is difficult to imagine otherwise. Will the Saudi authorities have to acclimatise to bikinis and multiple-bar restaurants?

"Saudi is interested in expanding tourism and has set up a tourism department,"



A MOSQUE IN JEDDAH, SAUDI ARABIA

points out Almihdar. “They will not go as far as Dubai has in tolerating non-local practices, but they have come a long way from a policy of having no tourism.

“Indeed, I’m not sure that Dubai is that happy with the limits that it has gone to. There has been cause to pull back and Dubai is not always viewed as the optimum situation by the other Gulf states.”

#### ISLAMIC FINANCE SCEPTICISM

Likewise, Almihdar is sceptical about the incursion of the west into another traditionally Muslim field – Islamic finance. He agrees with those local lawyers who have recently begun sounding warning bells over the legitimacy of some putative shari’a-compliant products. And he is also bemused by the rapid expansion in the sector flowing from the global law firms.

“The sudden explosion in Islamic finance expertise at western law firms is a bit odd,” he comments, “but it doesn’t take long to discover that in some cases it is really just a marketing ploy.

“The certain fact is that there are huge numbers of people who would love to see a real Islamic

### “THERE ARE HUGE NUMBERS OF PEOPLE WHO WOULD LOVE TO SEE A REAL ISLAMIC ROUTE OF INVESTMENT”

route of investment. They are pining for something like this. The problem with the products that the banks have produced is that [on closer examination] some of them turned out to be shams – or very weak attempts at trying to window-dress [an otherwise western-style investment vehicle].” For Almihdar, a more contemplative stance on

the growth of Islamic finance would behove all sides. “I am interested in hearing the views of scholars throughout the Muslim world. It is not enough to rely on just two scholars in Jeddah or Riyadh. We want scholars from Egypt, Sudan, Syria, Morocco, Tunisia – and preferably for them to come

together somewhere and decide on specific projects and products. I am in no doubt that the will to do that is coming.”

The growth of the global legal profession in the Gulf has been well documented (not least in the pages of this magazine), but does Almihdar’s hopscotching back and forth between Jeddah and London

chambers signal the beginning of part of the tide going the other way?

Again Almihdar envisages a slow evolution: “In Saudi we have seen the opening of law colleges within the past five or six years and we are just now seeing the product, as quite a few lawyers in good numbers are graduating. And over the past three years or so, the government has opened the door to scholarships allowing students to go abroad to get higher degrees. It is these people who will be in a better position than existing lawyers to get qualifications outside Saudi Arabia – and it is they who will want to be licensed in foreign jurisdictions and then to have a dual business.”

For the time being, then, Ali Almihdar is likely to retain his pioneer status. ●

**CONTRIBUTOR** JONATHAN AMES IS THE EDITOR OF *THE BRIEF*