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## How to Avoid a Hollow Win: Enforcing Civil Law Judgments in Common Law Courts

**A recent Texas decision denying enforcement of a Dubai judgment shows that success in a civil-law court does not guarantee recognition in all common law jurisdictions. To avoid a hollow victory, creditors must plan ahead and take additional steps to ensure they can demonstrate due process, valid service, and procedural fairness.**

As illustrated in a recent U.S. decision denying recognition and enforcement of a Dubai Court judgment due to service and due process concerns, litigants are finding that prevailing in a civil law jurisdiction, where laws are codified and applied by judges, does not guarantee enforcement in all common law jurisdictions. For judgment creditors, the ruling is a reminder that when a debtor's assets and decision-makers are outside the country hearing the dispute, enforcement requires careful planning well in advance of the judgment being issued.

In *CSHK Dubai Contracting LLC v. Ali*, No. 02-24-00209-CV, 2025 WL 1840468 (Tex. App. July 3, 2025), a Texas appellate court refused to enforce a judgment from Dubai's onshore courts, part of the Emirate's civil law. The court cited procedural differences that it found to be incompatible with U.S. due process, but which are common in civil law jurisdictions, including service by newspaper publication, limited contested hearings, and reliance on a court-appointed expert whose factual findings were not subject to cross-examination.

To preserve future enforcement options, it is critical for parties to plan at the outset of litigation before judgment is entered:

- **Due Process.** U.S. courts examine whether the defendant received adequate notice, had an opportunity to appear, and was able to meaningfully contest the claims.
- **Service of Process.** Even where local rules allow for alternative service methods, certain courts may find those procedures inadequate. Serving someone through newspaper may suffice locally, but may not be adequate for enforcement abroad.

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- **Determinations by the Court.** If a court is using a court appointed expert opinion to make factual findings (as is typical in many civil law jurisdictions), parties should be prepared to demonstrate to the overseas court how the expert followed due process and remained independent.
- **Anticipate Choice-of-Law Scrutiny.** If the judgment is based on foreign legal principles not typically litigated in U.S. courts there is a higher risk it will not be enforced. Parties should be prepared to demonstrate how these principles align with U.S. legal remedies and

theories.

Without taking these steps, even a successful judgment may ultimately be unenforceable in the jurisdictions that matter most for discovery, collection, or other modes of execution. A proactive strategy, grounded in global enforcement realities, can help turn a courtroom victory into meaningful recovery.

## About Kobre & Kim

Kobre & Kim is a global law firm focused on disputes and investigations, often involving fraud and misconduct. The firm's team:

- Acts on behalf of creditors to monetize high-value judgments and arbitration awards, with most of our matters involving awards and judgments with face values of over US \$100 million to several billion USD.
- Has extensive experience enforcing arbitration awards and judgments against sovereign governments and their related entities, understanding the unique issues and opportunities in such enforcement campaigns, and successfully recovering tens of billions of USD.
- Can act in jurisdictions across North and South America, EMEA, Asia, and key offshore financial centers, strategically coordinating cross-border proceedings.