

**SELANGOR BAR REPRESENTATIVE****Kokila Vaani Vadiveloo**

For the Current term under review the Selangor Bar Committee Chairman; M K Thas and I represented the Selangor Bar in the Bar Council.

At the Bar Council Meeting it was noted that there might be some discrepancy in terms of how different State Bar Committees deal with their State Bar Representatives.

It was decided that the Chairman and the Bar rep are supposed to work together and complement each other's work. But insofar as the State Bar matters are concerned, it is the chair who will decide. The Council agreed that there is no need for an outline for OBs/BC to come up with roles and responsibilities for the Bar reps.

I am also humbled that I have also been elected as the Council Member of the Malaysian Bar and given the opportunity to serve the members in the upcoming term 2024/2025.

The Selangor Bar Representative was appointed as follows: -

- a) Chairperson of the Child Rights Committee ("CRC").
- b) Ad Hoc Committee for Lexis Nexis
- c) Court Liaisons Committee
- d) Ad Hoc Committee on Touting
- e) Member of PII Committee



The Bar Council (BC) was involved itself in organising many activities and I dealt with various issues concerning members of the Bar. Some of the highlights of this term for Selangor Bar and the Malaysian Bar are as follows:

1. Free LexisNexis Subscription to Selangor Bar members



01.03.2021 – 28.02.2023 (2 years)

LexisNexis We had renewed the agreement signed with LexisNexis Malaysia on 12th March 2021 for a further term of two years (1.3.2021 to 28.2.2023) for Lexis Advance, Malayan Law Journal Reported, Malayan Law Journal Unreported, Malayan Law Journal Articles, Unannotated statutes of Malaysia and LexRead Malaysian E- books Digital Publications (updated as at 2017) (“the existing Selangor Bar LexisNexis package”). The cost translates to RM63.00 per member per annum of which we are subsidizing the amount of RM3.00 per member per annum. As such, we are continuing our mission to provide accessible online research to Members till to date. We strive to ensure that the Selangor Bar Committee can continue to provide such services to the Members.

28.02.2023-01.03.2024 (1 year)

We were coming to the tail end of an Agreement signed with LexisNexis Malaysia on for a term of two years (1.3.2021 to 28.2.2023) for Lexis Advance, Malayan Law Journal Reported, Malayan Law Journal Unreported, Malayan Law Journal Articles, Unannotated statutes of Malaysia and LexRead Malaysian E- books Digital Publications (updated as at 2017) (“the existing Selangor Bar LexisNexis package”). As such, we are committed in continuing our mission to provide accessible online research to Members till to date and have had many engagements with LexisNexis to give members a better improvised package by including Singapore cases and statutes and the updated e-books of 32 titles.

We, then the SBC, in early Feb 2023 decided post Covid members needed better products and in view of the fact that legal research products were constantly evolving. To ensure that the Selangor Bar members were current and up to date with the latest research products, Selangor Bar negotiated an upgraded package with additional 8 products averaged to RM80 per member. However, SBC taking into the members’ welfare and best interest, have agreed to maintain the subscription of LexisNexis to RM60 and the Selangor Bar was to subsidize the balance RM20.



The good news, members will be getting back 8 more products than the previous agreement for the same price of RM60 paid before. The new products listed below ;

- 1)Industrial Law report
- 2)Syariah Law Report
- 3)Malayan Cases
- 4)My Conveying
- 5)Singapore Law Reports
- 6)Annotated Statutes of Singapore
- 7)Halsbury Law of Singapore
- 8)LexRed Malaysian E- book Digital Publication from 2018 to 2021 (32 titles)

The Selangor Bar was carved out from the LexisNexis Settlement Suit entered by the Malaysian Bar. We have then written to the BC pending reply to see whether the Selangor Bar members can be reimbursed to reduce the existing subscription fee of the Selangor Bar LexisNexis Agreement.

We continued to engage the Bar Council to reimburse some sum towards the Selangor Bar for Lexis Nexis subscription. We strived to ensure that the Selangor Bar Committee can continue to provide such services to the Members. We tabled a Motion on this LexisNexis renewal and subscription at the AGM. A copy of the Motion dated 1.2.2023 was posted and emailed to the Members.

On 21.2.2023 one day before the AGM, we received some good news from BC agreeing to reimburse RM400,680.00 out of the 551,200 inclusive of 6% tax (the total LN subscription amount to be paid by Selangor Bar members).

On 22.2.2023 SBC amended the motion to include the reimbursement from BC averaging to a RM60 per member and granted a further subsidy of RM20.00 subsidy to give a total free Lexis Nexis updated package with new features subscription of RM80 to all Selangor Bar members.

The Amended Motion was welcomed and passed by the members voting in affirmative. The Amended Motion is attached below for your reference. It is an absolute proud moment for Selangor Bar being able to give its members a free research product especially during the course of endemic.



MOTION

MOTION BY THE SELANGOR BAR COMMITTEE TO SEEK THE MANDATE OF THIS AUGUST HOUSE TO RENEW THE SUBSCRIPTION FOR LEXISNEXIS ONLINE SERVICES AND TO PAY RINGGIT MALAYSIA SIXTY (RM60.00) ONLY PER MEMBER FOR THE RENEWAL OF THE SUBSCRIPTION FOR LEXISNEXIS ONLINE SERVICES.

- (A) **WHEREAS** at the 53rd Annual General Meeting of the Selangor Bar on 27th February 2018, this August House has unanimously approved to collaborate with LexisNexis Malaysia Sdn. Bhd.
- (B) **WHEREAS** since then the subscription for LexisNexis Online Services has been renewed on a bi-annual basis and the last renewal was approved at the 56th Annual General Meeting of the Selangor Bar on 24th February, 2021 for a period of two (2) years commencing from 1st March 2021 until 28th February 2023. The details of the package offered are as mentioned in Paragraph C (1) until C (7) hereinbelow.
- (C) **WHEREAS** the Selangor Bar Committee, now comes before this August House to seek its approval to renew the subscription for LexisNexis Online Services for a period of one (1) year commencing from 1st March 2023 until 28th February 2024 together with additional products listed as C(8) until C(15) hereinbelow. The details of the products as follows:-
- (1) Lexis Nexis Base Package
 - (2) Malayan Law Journal Reported
 - (3) Malayan Law Journal Unreported
 - (4) Malayan Law Journal Articles
 - (5) Unannotated Statutes of Malaysia
 - (6) LexRead Malaysian Ebooks Digital Publications up to 2017
 - (7) Preferential rates solely for members of the Selangor Bar for the purchase of other materials from Lexis Nexis
 - (8) Industrial Law Reports – **NEW**
 - (9) Syariah Law Reports – **NEW**
 - (10) Malayan Cases – **NEW**



- (11) My Conveyancing – **NEW**
 - (12) Singapore Law reports – **NEW**
 - (13) Annotated Statutes of Singapore – **NEW**
 - (14) Halsbury Laws of Singapore – **NEW**
 - (15) LexRead Malaysian Ebooks Digital Publications from 2018 to 2021 (32 titles) - **NEW**
- (D) **WHEREAS** the costs for providing these services to its members together with the additional products amounts to RM551,200.00 inclusive of 6% service tax per annum which translates into an average of RM80.00 per member per annum.
- (E) **WHEREAS** the annual subscription paid by its members for LexisNexis Online Services since the collaboration is RM60.00 per member.
- ~~(F) **WHEREAS** based on the current proposed packages of LexisNexis Online Services, the subscription is rated at RM80.00 per member per annum. However upon considering not to further burden its members with additional costs and upon factoring the interest of its members, the Selangor Bar Committee herein proposes to maintain the subscription paid by its members for the LexisNexis Online Services at RM60.00 per member, and for the difference of RM20.00 to be subsidised by the Selangor Bar.~~
- (F) **WHEREAS** the Malaysian Bar has agreed to pay the subscription fee of RM60.00 per member provided this motion is passed, Selangor Bar Committee will bear the difference of RM20.00 for the LexisNexis Online Services. Therefore, its members are not required to pay any amount towards subscription for LexisNexis Online Services.

Therefore, IT IS HEREBY RESOLVED that:-

- 1) The Selangor Bar Committee by the approval of its members is hereby authorised to renew the subscription for LexisNexis Online Services package for a period of one (1) year commencing from 1st March 2023 until 28th February 2024 for a sum of RM551,200.00 inclusive of 6% tax per annum; and
- 2) ~~Its members will enjoy the subscription for LexisNexis Online Services at no charge.~~

Dated the 1st February 2023.

Proposer:

ALVIN NEO
Honorary Secretary
Selangor Bar Committee



2. Maintaining The Financial Viability Of Law Firms During The Covid- 19 Pandemic

Reducing the Annual Subscription

Following the above, obtaining a strong mandate to sign up for a free Lexis Nexis Subscription, it was only fair the subscription be reduced to be consistent in maintain the operational costs of the firms. Since 2018, the Selangor Bar members have been paing RM260. The RM60 was for LN subscription, So since the costs of RM80 have been borne by the BC (RM60) and SBC (RM20) respectively, the SBC has decided to waive the RM60 and reduce the annual subscription RM200 instead of RM260 to assist our Members in surmounting the economic challenges brought about by the pandemic. Each Member will save RM60 while enjoying the benefits of the upgraded LN. This adds up to approximately RM500,000 waiver.

Selangor Volunteer lawyers

The DBGS grant is solely for lawyers practicing in Selangor to take up files where the client will be channeled by State Govt to SBC. SBC then will assign the files based in order of the lawyers registering. The lawyer only has to register by sending an email to the SBC Secretariat.

The Bar Council engaged with the authorities and the Government to propose financial measures in order to maintain the financial viability of law firms.

The Bar Council has also approved the use of virtual offices by Members of the Bar. Virtual offices permit flexible resource arrangements, overhead reductions, and the outsourcing of administrative functions.

3. DANA Bantuan Guaman Selangor (DBGS)

An initiative solely for Selangor lawyers to take up legal aid cases for a small fee

A joint initiative between the Selangor State government and Selangor Bar Committee will see citizens in the state who are earning less than RM3,000 given access to subsidised legal aid for civil cases. This is also to help Selangor lawyers to do pro bono work while not having to spend their own money.



S'gor subsidising legal aid for those earning under RM3k



Bar Council together with Selangor Bar Committee signed a MOU with the Selangor State Government launching “Dana Bantuan Guaman Selangor”. Selangor Bar is entrusted to facilitate the programme by empaneling volunteer lawyers to take up the files primarily on family and employment issues for an agreed nominal fee. The objective of the collaboration between the Selangor Government and the Selangor Bar is driven with a noble objective in ensuring access to legal representation among marginal societies in Selangor.



We officially launched the ‘Dana Bantuan Guaman Selangor (DBGS)’ programme, a collaboration between the Selangor State Government and the Selangor Bar Committee through the Bar Council Malaysia pursuant to the Memorandum of Understanding (‘MOU’) dated 30.08.2022. This DBGS programme is an initiative of the State Government under the Selangor State Welfare Standing Committee partnering with the Selangor Bar Committee in helping the poor, the under-privileged and the needy get legal help especially for family law matters and labour law cases. The creation of DBGS is only the first step to ensure that every citizen of Selangor state has access to legal representation.

Those who would be eligible for DBGS must be within these three categories:- i. Malaysian ii. Voters in Selangor state and/or residents of the Selangor state for at least 10 years; iii. Having a monthly income of less than RM3,000.00 The Selangor State Government had initiated discussions with the Selangor Bar Committee to set up “Dana Bantuan Negeri Selangor” with the primary aim of addressing the need for legal assistance to the Rakyat on legal matters related to family law and employment law. Its participation would be open to all lawyers in Selangor for employment and family matters only as parties foresee a need for legal representation for retrenchment matters and divorce cases that may rise due to the lockdowns experienced nationwide.

Other than the existing YBGK and Legal Aid mechanism already in place that primarily deals with criminal law matters, legal aid can be now rendered by lawyers dealing with family law and employment matters. We are overjoyed to highlight that the State Government has approved us an allocation amounting to the grand total of RM3 million a year for 3 years from 2022- 2025 and lawyers taking up cases under “Dana Bantuan Negeri Selangor” will be remunerated a small token fee of RM1,500.00

Upon the programme taking effect, we realised we needed to make some changes to make this DBGS grant more viable, accessible. In December 15, 2022 had a meeting UPEN and Selangor State Exco to improvise the terms based on the feedback of the programme.

We felt that this amount was very low and insufficient for volunteer lawyers to take on the files We are currently in talks with the State Government of Selangor to improvise the DBGS by increasing the payout amount to the lawyers to RM3,000 and to include the additional category of Syariah cases.

The State Government requested that the household income of the applicants to be increased to RM5000 and we agreed. We also requested for the expenditure and operating costs of the staffs t an amount of RM72,730.00

Further, also in Dec 2022, we have been engaging and liaising with Persatuan Peguam Syarie Malaysia (PGSM) Selangor to work on matters involving Syariah law for the DBGS Programme who had agreed to be part of the DBGS Programme.

On 21 December 2022, I wrote official letter marking it urgent on behalf of SBC to the Selangor State Exco amongst others to get the volunteer lawyers fee token and the household



income raised and to add an extra category of Shariah cases and to be reimbursed with the operational costs of running the DBGS programme.

In a meeting in June 2023, the Selangor State Govt agreed and approved to all the above requests and officially wrote to SBC in July 2023.

The take up of cases by Selangor lawyers have improved tremendously since 1st June 2023 when the latest amendments came into force wthe lawyers now get paid RM3000 per file and the household income of the applicant are raised to RM5000 many more can apply. With the additional category of Shariah cases making many sections of applicants eligible. A special mention to the State Govt Exco chaired by YB Ganabattirau and all the officers in UPEN.

At present, SBC is currently working with the relevant stakeholders finalising the details of the terms and conditions for a supplemental MOA.



4. Painting and Leakage Policies at Bar Council

Painting of Selangor Bar

Selangor Bar raised concern regarding the need to paint the exterior walls of the Selangor Bar Building which looks deplorable.

Selangor Bar Committee decided to paint the exterior walls of the building.

Selangor Bar Committee have approached the Bar Council Finance Committee for fund to upkeep the maintenance of the building and to render a new paint coating of exterior walls. Bar Council had agreed on the same.



Post pandemic coupled with high inflation making a recession inevitable, the State Bar decided to engage the BC in various discussions to help assist and facilitate the daily runnings of the State Bar.

We are proud to announce that the Selangor Bar Committee (SBC) have managed to convince the BC to reimburse all the State Bars on the painting and the leakage costs to the State Bar Buildings. The State Bars now can claim for painting costs of the buildings 10 years once and leakage of RM3,000 above. This was done after many meetings with the Finance Committee and the Bar Council.

The Bar Council had also graciously granted a RM10,000 library fund which allows the State Bar to purchase any reading materials for the library. The Committee then had decided to purchase 14 sponsored tickets for the International Malaysian Law Conference (IMLC) for young lawyers below 7 years in practice on a first come first serve basis.

Further, upon having a meeting with the Office Bearers of BC, the Quit Rent and Assessment Fee of year 2023 which amounted to RM17,424.00 for all 3 State Bar Buildings have also been borne by the Malaysian Bar.

In view of all of the above, the SBC wishes to record its utmost gratitude to the Malaysian Bar in assisting a helping hand in all the endeavours taken by the State Bar in its recovery phase of the endemic.

5. Back to School Programme

With the new schooling year starting, the Selangor Bar announced donating a total of 100 backpacks for underprivileged students at SK Lembah Beringin and SJK (T) Ladang Kerling late February and March 2023 respectively, sponsored by a very generous Member of the Selangor Bar.

We hope that this initiative under Selangor Bar Cares will encourage Members and Pupils of the Selangor Bar to give back to those in need. As the saying goes, helping one person might not change the world, but it could change the world for one person.

#SelangorBarCares #InThisTogether



6. Touting



The Bar Council issued a circular on touting (Circular No. 075/2023, March 14, 2023) in which the Bar Council expressed grave concerns about allegations of touting being practiced within the legal profession.

The Selangor Bar Committee also has the same concerns and considers such practices as reprehensible. If there are lawyers who have engaged pupils in chambers / touts / bogus lawyers and/or their services to directly and/or indirectly approach and/or solicit clients and/or potential clients, we would like to remind our members of the following provisions: -

Section 94(3)(h) of the Legal Profession Act 1976 and Rule 51 of the Legal Profession (Practice & Etiquette) Rules 1978* distinctly view touting as professional misconduct and that it may lead to sanctions, suspension or being struck off the Roll.

Section 15A of the Minor Offences Act 1955 states that any person found guilty of touting commits an offence "punishable with a fine not exceeding five hundred ringgit or with imprisonment for a term not exceeding six months or to both".

The Rules and Rulings of the Bar Council also sets out the prohibition of the practice of touting, as stated below:

14.23. Payment for introducing clients

The acceptance by an Advocate and Solicitor ("Introducer") of any form of payment (such as commission) from any person merely for introducing clients to such person without the provision of legal services by the Introducer, is tantamount to touting on the part of the Introducer. Likewise, an Advocate and Solicitor shall not make any form of payment to any person for introducing clients to such Advocate and Solicitor. Provided that this Ruling shall not prohibit the sharing of fees and costs by an Advocate and



Solicitor with a qualified person, for legal services rendered by the Advocate and Solicitor.

17.08. No touting

Nothing in these Rules shall be construed as permitting the doing of or causing or allowing to be done of anything which, in the opinion of the Bar Council, is for the purpose of touting directly or indirectly, or which, in the opinion of the Bar Council, is calculated to suggest that it is done for that purpose.

To eliminate touting, the Bar Council is currently collecting information and reports on lawyers/law firms from Members of the Bar and the public in preparation to investigate these lawyers/law firms.

Members may lodge reports via the link given or scan the QR code above, created for issues concerning touting. Members are encouraged to upload any documents or evidence (if available) when recording the reports into the log, as it will aid Bar Council in its investigation. The identities of those lodging the reports and all information received on the online report log will be kept strictly private and confidential.

In addition there were also several proposals being discussed to move forward in curbing touting.

Amend Rulings:

- Suggest reviewing and amending existing rules or regulations related to legal practices to strengthen measures against Touting.

Set up Investigation Unit:

- Propose the establishment of a dedicated investigation unit tasked with thoroughly examining reported cases of Touting and ensuring swift actions are taken.

Establish SOP for Easy Reporting:

- Advocate for the development of clear Standard Operating Procedures (SOP) to streamline the reporting process. Emphasize the importance of encouraging reports over mere complaints, aiming for a more systematic and efficient approach.

**Publish Guidelines on Touting Differentiation:**

- Recommend the publication of comprehensive guidelines to help differentiate between legitimate legal practices and Touting. This can serve as an educational tool for both legal practitioners and the public.

Form Relationships with Enforcement Agencies:

- Propose the formation of strategic partnerships with law enforcement agencies with the specific goal of prosecuting not only members of the legal community involved in Touting but also non-members who collaborate in such activities. Emphasize the need for collaborative efforts to address the issue comprehensively.

7. AMLA Compliance Training Workshop for Selangor Bar

The Anti-Money Laundering and Counter Financing of Terrorism (AML/CFT) is a self-compliance programmed whereby under the AMLA 2001 it is a legal obligation for each reporting institution to comply with AMLA's rules and regulations. On 10th August 2023 by Mr Mohamad

Nationwide AMLA Compliance Training Workshop was organized by the Selangor State Bar with assistance from the Bar Council. Representatives from the State Bar were invited to address AMLA issues within the State. The speakers who attended are certified trainers for AML/CFT - Designated Non-Financial Businesses and Professions.

The Roadshow event which was categorized into theory and practical, aims to educate and equip the Selangor Bar members with basic knowledge in AMLA compliance, so as to enable them to assimilate the AMLA compliance policies within a firm.

8. Court-Related Issues

Court related issues were addressed in Bar Council during monthly meetings on various issues amongst others, the problem relating to the court logging off from e-review system without formal handshake by parties were taken up and solved.

Case management via E Review

Certain lawyers upon being assigned still cannot enter the E Review, only logging in as a certain lawyer in the firm allows access. Court liaison will revert.



E Review sometimes takes longer than a day for the session to end. Court Liaison will look into this.

Dispensation with Open Court Attire

During the heat wave months we managed to obtain a dispensation upon lawyers seeking leave from the respective Courts.

Temporary closure of KL Court Cafeteria

Suggestions or alternatives to have a proper dining area arrangement for lawyers for lunch break in the lobby premises. Going outside to dine out at the food truck in the unpredictable weather and some lawyers need to take their prescribed medications making it rather troublesome.

Better ventilation in the Courts Area

Requested for placing of fans in the Sepang Courts. Court Liaison will bring this matter up with Putrajaya

Hearing of applications conducted via e-Review

e-Review should only be used to conduct case managements in accordance with Arahan Amalan Ketua Hakim Negara Bilangan 1 Tahun 2021 (“the Practice Directions”).

Hearing of contentious applications conducted via email

Pursuant to the Practice Directions, the Courts retain the discretion to decide on the mode of hearing, taking into account the relevant factors and submissions.

Filing deadline for written submissions, bundles of authority and executive summaries in Federal Court and Court of Appeal

To address the problem of the e-Filing system blocking filing of written submissions, bundles of authority and executive summaries (“Submissions”) before the 14-day deadline under Item 17.1 of Arahan Amalan Mahkamah Persekutuan Bil 1 Tahun 2018, the Courts will state the exact Submissions filing date instead of stating that filing is to be 14 days prior to the hearing date.

Members who are unable to meet the deadline may write to the Courts for an extension, which may be granted subject to the Courts’ discretion.

Members are not prohibited from submitting orally at the hearing notwithstanding the non-filing of the Submissions.

**Implementation of Short Message Service (“SMS”) notification system**

A notification system via SMS commenced on 1 Mar 2021 where a notification will be sent to the relevant parties involved in a case, concerning deadlines for filing of Submissions at the Federal Court and Court of Appeal. However, some Members were reluctant to disclose their mobile numbers.

An SMS alert system to inform, and/or remind parties, of their hearing dates will be implemented soon by the Judiciary.

Members are strongly encouraged to provide the required information to ensure the smooth process of Court-related matters.

Trials and other proceedings involving witnesses

BC will continue to engage with the Judiciary to finalise the procedures for online trials involving witnesses to ensure that the witness who will be joining virtually is not influenced and/or tampered with in any way and the integrity of the proceedings is preserved

9. Issues of Cost Imposed on Litigants for Interpreter Fees

Issues relating to added cost imposed on litigants for engaging Chinese or Tamil interpreter services was raised. Interpreter services are essential for equal access to justice and therefore should be maintained and continued for as long as our country retains its present cultural and linguistic complexity. However, due to an acute shortage of Chinese and Tamil court interpreters, it becomes the litigants’ responsibility to engage private interpreters at their own cost which is not cheap. The position in Selangor is alike, whereby parties are required to write to the court in advance to ask for interpreter’s service. Upon non-availability, members are compelled to hire private interpreters. Bar Council take this issue seriously and will be escalating this matter to the judiciary.

10. Updating the Selangor Bar Committee

Both the Chairperson and myself will bring and update serious issues discussed at the Bar Council to the Selangor Bar Committee members.

11. Legal Profession Practical Course (LPPC)

Upon clarification on the proposal made and subsequent thereto, the Bar Council endorsed support towards the Legal Profession Practical Course (LPPC) on 15/10/2022 for the betterment of the legal profession. The LPPC by the Common Bar Committee is a vocationally-driven mandatory pupillage programmes. It will become the Malaysian Bar’s common point of entry for individuals seeking admission as Advocates and Solicitors of the



High Court of Malaya. The focus of the LPPC will be on the development of practical skills as the curriculum will provide practical perspective on specific components of legal practice. This will incorporate key areas of competence through daily scenarios that parallel real-life practice.

12. Revised Rates of Payment for Civil & Syariah of YBGK Lawyers

The revised rates of payment for civil and syariah matters was tabled during the Bar Council meeting held in October 2022 for approval. The Bar Council has approved the revised rates of payment and sent to YBGK HQ for consideration of the Board.

13. Court-Assigned Counsel for Capital Punishment Cases

New rates on assigned counsels was approved and implemented and Bar Council circular was sent out to this effect informing members.

14. PII Scheme

After numerous meetings, in January 2024, the Bar Council has approved the appointment of the preferred insurance broker for the Malaysian Bar Professional Indemnity Insurance Scheme 2025 and is currently finalising the terms of appointment.

15. Counselling Services Programme for members of the Bar

The Malaysian Bar has entered into a Memorandum of Understanding (“MOU”) with the Board of Counsellors (Malaysia) since 2021 to provide support to members who might be experiencing stress and anxiety for a variety of reasons professional and/or personal. The Malaysian Bar will pay for a maximum of 5 counselling session for members. This programme will run until 6 April 2025.

Should you have any queries regarding the programme kindly contact the Board of Counsellors T 03-83232522.

16. Introduction Of Digital Certificates Of Registration For Law Firms And Digital Membership Cards

The Bar has led the way by introducing digital certificates of registration for law firms and relaunched the Bar’s newly revamped mobile app that includes a digital membership card (“DMC”) for Members of the Bar. These enable law firms to ease their application process when applying for Government assistance/grants, and also benefit the public as the public may conveniently verify the registration status of any particular lawyer or law firm.



17. Encouraging Mediation - Pusat Mediasi (MIMC)

On 15 January 2024, the Malaysian International Mediation Centre (MIMC) formerly known as Malaysian Mediation Centre rebranding was officially launched and officiated by the Chief Justice Tun Tengku Maimun. The mediation process provides the public with an avenue to resolve such contractual disputes without resorting to the litigious process, and to enable the public to resolve such contractual issues fairly and speedily, with the aim of achieving a collaborative resolution.

18. Amendments to the Legal Profession Act 1976

The Bar Council considered the urgency to push forward certain amendments which are of considerable importance and interest to Members— such as those relating to Limited Liability Law Partnerships — (“prioritised areas”) and decided to engage the AGC to recommend that these proposed amendments to the LPA be through an Amendment Act to the LPA rather than an entirely new LPA bill (as initially submitted in 2019), as it is hoped that this will hasten the process of bringing the proposed amendments of the prioritised areas into fruition.

19. Draft Legal Profession (Amendment) Act 2023

The Bar Council maintained its interactions with the AGC, and in April 2023, the final version of the Legal Profession (Amendment) Bill 2023 was completed. During this period, BC advocated for the Bill to be presented in Parliament during the October/November 2023 session. In collaboration with BHEUU, BC worked on finalizing various documents for this purpose and communicated with the Prime Minister, YAB Dato’ Seri Anwar Ibrahim, and the Deputy Minister in the Prime Minister’s Department (Law and Institutional Reform), YB Tuan Ramkarpal Singh, in October 2023.

20. Sexual Harassment Mechanism

The BC have approved a mechanism to assist survivors of sexual harassment, known as the “Peer Support Network”, focusing on the wellbeing of the survivor. Its implementation is currently in progress.

21. YBGK– Representations In Court And Legal Aid

Whereas, in order to further support and buttress the services of YBGK, the Malaysian Bar called on the Government to allocate additional funds to YBGK amounting to RM10,000,000 million and to disburse the remaining funds that had been approved in prior years.

As at 31 Aug 2021, there are a total of 2166 YBGK accredited lawyers in Peninsular Malaysia. The Malaysian Bar is of the view that it is important for the Government to ensure that legal assistance continues to be provided to persons who are unrepresented.



22. Draft Publicity Rulings

LPC was assigned the task of overhauling the Publicity Rules in 2015. The initial draft was presented to the Attorney General ("AG") in 2019, and in 2022, the Bar Council opted to reassess the draft that had been submitted to the AG. Having scrutinized the aforementioned draft of the Publicity Rules, LPC has submitted it to the Bar Council for endorsement. Following a careful examination of the *Abdul Razak bin Hashim v Bar Malaysia* case, the Bar Council determined that the revised Publicity Rules should be formulated under section 77 of the LPA. LPC has concluded the final review of the draft and submitted it to AGC for approval.

23. Meeting between Pendakwaan Negeri Selangor and SBC

On 8.1.2024 we had a meeting with the AGC Selangor to address issues concerning the prosecution both Civil and Criminal Courts in Selangor.



24. Courtesy call to the High Courts Civil and Criminal High Courts of Selangor

On 26.10.2023 at 230pm SBC had a courtesy call to the Managing Judges of High Court of Selangor YA Dato Zabariah and YA Dato Yaacob Sam. Most of the High Court Judges were also present together with the Pengarah Mahkamah Shah Alam Datin Anita.





25. Meeting with Office Bearers of Bar Council

On 21.09.2023 SBC had a lunch meeting at the Selangor Bar office premises. It is the first time we have the Office Bearers coming to visit each state to speak to the respective Committees to hear their concerns. Amongst others we have asked the waiver of interest for the State Bar Buildings from BC. BC will revert in due course.



26. Selangor Bar Civil Law Conference 2023.

A 1 day and a half physical conference held in Empire Subang on 29 and 30 September 2023





27. Majlis Hari Raya with Selangor Courts graced by the Chief Justice - April 2023



28. Mandatory Death Sentence and Natural Life abolished

Revision of Sentence of Death or Natural life (Temporary jurisdiction of Federal Court) Act 2023 came into effect last September 2023. It clothes jurisdiction to Federal court to review Mandatory Death Sentence or Natural life imposed on the Convicted criminals . The Federal Court is fastened with discretion to consider commuting Death penalty to imprisonment within range of 30 to 40 years and minimum 12 strokes . A convict must make the application



to Federal court within 90 days from date the law was gazetted. A review hearing will be fixed before judges of Federal court where parties able to submit grounds enabling a revision based on mitigating factors. The courts are bestowed with a discretion to consider commuting to imprisonment or to maintain the initial Death Sentence passed by Federal Court earlier. On account of Natural life imprisonment, since it is no longer in existence under the current Law, the Federal Court now will be able to exercise their powers to hand down an imprisonment within 30 to 40 years .

29. Solicitors Remuneration Order 2023

The Bar Council is pleased to inform Members of the Bar that the Solicitors' Remuneration Order 2023 ("SRO 2023") was gazetted on 12 July 2023 and will take effect on **15 July 2023 (Saturday)**. The Solicitors' Remuneration Order 2005 will be repealed as from 15 July 2023.

The Solicitors' Costs Committee ("SCC") approved the Solicitors' Remuneration Order 2023 on 4 July 2023. SCC is chaired by the Chief Judge of Malaya, Dato' Mohamad Zabidin bin Mohd Diah and its members comprise a representative each from the Attorney General's Chambers and the Office of the Chief Registrar of the Federal Court of Malaysia, and four representatives from the Bar Council. The Bar Council thanks the SCC members for their time and effort in drafting SRO 2023.

Members will be pleased to know that SRO 2023 provides for increased rates of the scale fees, taking into consideration the higher cost of operations for Members.

Acknowledgement

There were 11 Bar Council monthly meetings from 18 March 2023 to 9 December 2023 up to the time this report was written. The attendance record as at 18 January 2024 are as follows: -

M K Thas	: 11
Kokila Vaani Vadiveloo	: 10

I am truly humbled and honoured to be given the opportunity to serve all of you during this difficult time, when we are all busy picking up ourselves and carrying the runnings of a firm post covid. Special thanks to the Selangor Bar Chairman, M K Thas who had been supportive of my voice at the council meeting in echoing issues raised on behalf of Selangor members at the Bar Council meetings. I wish to record my appreciation to the fellow committee members of the Selangor Bar Committee 2022/23 for the unwavering support. This would also include all the secretariat staff of Selangor Bar.

I would like to take this opportunity to express my gratitude to all the members of the Selangor Bar for giving me the opportunity to lead and serve the State Bar in various ways. I am humbled and honoured by the trust granted in me to carry out my responsibility to safeguard the interests



and welfare of the Selangor Bar members. Trust me, I have and will always put you and your interest first!

Considering that this is my first term as an Bar Representative, I have at all corners stood by in ensuring issues concerning the Selangor Bar members were addressed at the council level. *Last but not least, I can only thank each and every member of Selangor in having the trust in me by electing me as the first female Selangor Bar Representative 2023/24.*

Report submitted by,

Kokila Vaani Vadiveloo

Selangor Bar Representative to the Bar Council