

**Candidates Watch Campaign – Replies**  
**Anand Ponnudurai**

**Question 1**

**In not more than 80 words, please provide a brief introduction about yourself and how you perceive yourself as a legal practitioner.**

I am a 3<sup>rd</sup> generation lawyer as my late grandfather and late father were both members of the Malaysian Bar and had both served in the Bar Council at some point. I am in my 20<sup>th</sup> year of active practice and in those years, have had a passion for employment law . As a legal practitioner, I have always perceived myself as one who always attempts to maintain the highest standard of integrity and ethics which I believe have to be the core values of any practicing lawyer.

**Question 2**

**Which committee would you seek to chair and what are your aspirations and intentions for the said committee during your tenure? If you do not intend to chair a committee, please state your reasons for the same and tell us what do you intend to achieve during your tenure as a Council Member?**

As a consequence of specializing in Industrial law, I have been the Deputy Chairman of the Bar Council's Industrial Law Committee from 2004 till 2009 and since becoming a Council member in 2009 by virtue of being Chairman of the Kuala Lumpur Bar, I have chaired the said Committee in the last two terms. There are currently some drastic proposals by the Government which if passed, will severely alter the landscape of Industrial law jurisprudence as we know it as such proposals seek to curtail access to justice of certain categories of employees. I currently sit in a working group consisting of all stakeholders set up by the Ministry of Human Resources whereby we have put forward the Bars views in opposing some of the amendments. If elected, I would seek to continue to chair this committee.

**Question 3**

**The issue of setting a term limit for members serving the Bar Council has attracted many supporters as well as detractors. Do you think that there should be a term limit for members to be in the Bar Council? Please provide reasons for your answer.**

In my view, if someone is capable and does in fact contribute significantly and is prepared to continue sacrificing his or her time to do so, I don't see why there should be a term limit imposed. One would expect someone to realize when he or she is no longer contributing effectively and to stop offering themselves for

election. However, on the converse, new members with fresh ideas who wish to contribute should be given a chance to do so and for this reason, I would support the imposition of a term limit if such limit was about 5-6 years.

#### **Question 4**

**Based on feedback received, many Young Lawyers are leaving the profession because of perceived deteriorating working conditions at the Bar. What are your views about the working conditions that Young Lawyers are being subjected to and how would you seek to improve these conditions?**

I don't believe that the problem or issue is confined to the young lawyers only. There are in fact some of my contemporaries and even those of more seniority who have left the profession recently. I do not think that it is due only to deteriorating working conditions at the Bar. As opposed to the more "laid back" style of practicing that we were used to in the past, there can be no doubt that practicing today requires someone to be physically and mentally prepared. There are lawyers who cannot cope with such demands and this is forcing them to leave the profession. In so far as deteriorating working conditions of lawyers, this perception is due to the fact that we are currently indeed under tremendous pressure all the time to file an assortment of paperwork in Court and to close our cases irrespective of whether we have concluded the evidence. We have highlighted these onerous working conditions to the Chief Justice and the Managing Judges in the past and will continue to do so with the hope that there is a let up of such pressure.

#### **Question 5**

**The Johor Bar and the Penang Bar have recently held EGMs, *inter alia*, to obtain feedback in relation to the Fast Track System implemented by the judiciary which places emphasis on a Key Performance Index ("KPI"). Has the quality of justice dispensed by the Courts suffered as a result of the KPI that has been put into place? What would you do to improve the situation?**

There can be no doubt that the introduction of the KPI has affected the quality of Justice dispensed. This is especially so in situations where a Judge refuses an adjournment despite good grounds for the same in an effort to finish the case. This appears to be a problem with certain judges and not all. In fact, the Judges have been informed that they should exercise their judicial discretion when it relates to applications for adjournments and whilst most of them do, there are those who don't and appear to be only concerned with disposing cases speedily and to ensure achieving their KPI. In my view, the only logical situation is to abandon a KPI for Judges.

### **Question 6**

**Do you think the Solicitor's Remuneration Order (SRO) has achieved the objectives it was put in place for? Do you think more should be done by the Bar Council to ensure adherence to the SRO or alternatively, should the SRO be done away with all together?**

I will at the outset confess that having not done any conveyancing during my career, I have not given much thought to this issue. However- I understand from lawyers in Singapore that the abolishing of scale fees there has had a disastrous effect. As such, I believe that it should be maintained. However, I am informed that lawyers have been quite industrious in finding ways around the SRO and therefore am of the view that there ought to be stricter and more effective ways of enforcement put in place to ensure compliance.

### **Question 7**

**What are your views on the failure of the Attorney-General to bring charges against the individuals named by the Royal Commission of Inquiry in their findings on the leaked video-clips *vis a vis* judicial appointments? What action do you propose the Bar Council take?**

It is indeed a great shame that no charges have been brought to date when the evidence adduced at the RCI overwhelmingly showed that the independence of the judiciary was severely compromised by certain individuals. The Bar Council has been pushing for affirmative action from the AG based on the findings of the RCI and I believe that maintaining such pressure would ultimately lead to charges being brought.