

**Candidates Watch Campaign – Replies**  
***Ismail Arifin***

**Question 1**

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

Hmm..When you have been in practice for more than 10 years, you cant help but come out with a few clichés. Well, practice particularly in litigation, is where my passion lies and I plan to be around for a while. I view that the litigation world is dynamic and ever changing and I am honoured to be part of that process. Sorry, did I exceed 80 words?

**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 council member, my experience and energy can serve as assets to the Council.

**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.**

Pertaining to this, I gain great inspiration from the longest serving Prime Minister of Malaysia and at the same time, am humbled by the circumstances of the 5<sup>th</sup> Prime Minister. My grandmother would say, “If the guy can cook a great meal, let him cook as long as he wants”.

In short, if we indeed have chosen great leaders, a mere term limit will not change our choice. Having said that, term limit can also definitely ensure the weak leaders do not outlive their uselessness.

**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?**

Respectfully, young lawyers should learn and absorb the experience of senior lawyers a.k.a the “Elders” who have more than 20 years of experience under their belt. Undoubtedly these senior practitioners have faced hardships and challenges more severe than the KPI.

It was the tough environment back then, which had produced really tough and high “stamina” practitioners. Even our learned brother Mr. Karpal Singh still comes to courts in a wheel chair. He still faces the same kind of courts, the same kind of judges and the same kind of procedures. Hey, he is still around.

With all due respect to the Young Lawyers Association, my view is that most young lawyers who left practice most likely had started practice based on superficial reasons. Money? Fame? Glamour? Status of being a professional? That’s for you guys to answer lah. If there is a need to change something, then leaving the profession altogether would not solve anything.

For me, to continue in practice, your reasons must connect with your belief, passion and goal. Only with those values, will you guys prevail over the incessant technicalities and mind numbing trials / hearings. The way I look at it, although everyone can wear a suit, not everyone is suited to become a lawyer.

### **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?**

Maintain KPI. Having said that, yes, (especially prior to the amendment of Order 1A RHC), I have had my share of superficial judges (incl. magistrates, session courts etc) who think dismissing cases (in the speed of light) on technicalities will earn the smiling nod of the Chief Justice but throughout my years of practice, this KPI is the novel answer for all the delaying tactics all “naughty” litigants have formulated in the previous years.

Since the imposition of KPI, there has been an outstanding number of cases being concluded. Yes I do note the birth/rebirth of the maxim, ie. “justice rushed is also justice denied” but at least my aging witnesses are still able to attend trials before they retirement age. With KPI, the days where court cases outlive the witnesses are long gone. The nay sayers can object all the time, but I waited

for more than a decade for a solution and change. So for once, lets try this out. Change. (Sorry if I sound like Obama)

### **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?**

SRO, upon careful perusal was also designed to protect lawyers. I say maintain it.

### **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?**

Well, I will say in general, to continue upholding justice without fear and favour. Having said that, another issue of equal importance will be about the honourable goals and directions set by the Bar for itself. Although its true that we have constantly demonstrated fearlessness in public ( or against public authorities ), it would not be a misplaced statement to say, that the Bar has also been perceived by members of the public to have developed some sort of its own favouritism in carrying out its functions. Or are we denying this too?

Reflecting on the above, it is prudent to keep reminding ourselves that in addition to our gallant march, the members of the Bar should always continue to reflect on themselves. As much as we wish to have our say all the time (also as a natural instinct) in interpreting the law for our favour (or the client's), the ultimate question that our conscience finally asks us would be, "when do we actually follow the law then?". No, contrary to popular belief, our conscience didn't get flushed down the drain, the day we got called to the Bar.

Yes, the AG should initiate certain legal proceedings against the referred individuals but on the same note of concern, when would the Bar take investigative steps against a member who has been alleged to have participated in the fabrication of a statutory declaration? (After all, investigation does not equal to prosecution). How long did it take for the Bar to finally take action against the "Banting lawyers" until they created headlines not too long ago?

Respectfully, a malay proverb seems to fly out and depicts this scenario with much accuracy, "semut seberang laut boleh nampak, tapi gajah depan mata tidak nampak (or something to that effect). Don't let me start on the continuous

degrading/insulting rate of the legal fees, the Banks are tyrannically imposing on lawyers nowadays. Are we in favour of that? What more can I say. Hmm....

I am very honoured to be part of this candidacy and I salute all the other talents and charismatic candidates. I remain to be guided. Thank you.