

Candidates Watch Campaign – Replies
Syamsuriatina bt Ishak (Tina)

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 36 year-old mother of 3, with a small sole-prop practice in Puchong, Selangor, doing 80% general civil litigation, some corporate drafting and public interest litigation.

I grew-up in PJ and London ('80-'89), and then schooled at Sekolah Aminuddin Baki Kg Pandan KL. I obtained my L.LB via part-time London (External) while working at Shearn Delamore. My pupillage was under Mr. Vasdev Bakshani and then I worked for 6 years as an LA in Gideon Tan Razali Zaini.

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?

I would like to continue chairing the Publications Committee, which I am currently handling, because I believe it the Bar Magazine is an important and essential service and communication tool between members.

This past 2010/2011 term, my team and I have worked hard to seal the deal with Lexis-Nexis to revive the circulation of hardcopy versions of the Praxis Bar Council magazine, to all members, at minimal cost to the Bar's fund. As we are all aware, the Praxis was out for circulation for a while due to the BC cost constraints. However, this new collaboration with LexisNexis would take care of that concern while also generating some income for us by way of advertising revenue. It also ensures we have a professional design team was onboard to produce the better quality magazine that members deserve and can be proud of. All the while, my team is also working hard to bring new life to the magazine so that its content appeals to all of us in the profession.

I hope I will be given the opportunity to follow through with this project next year until it is fully up and running.

During my tenure as Council Member, I also feel very strongly about contributing to ideas, discussions and deliberations amongst the Council itself. I have never

shied away from extra duties handed to me and shall endeavour to continue to serve and assist in any way I can manage.

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.

I am of the view that serving as an effective Council Member is about having the time, energy, inclination, competency and passion to do good for the Bar.

There are advantages to have long-serving members in the Council, who share with us their wealth of experience and wisdom, while the less-experienced but energetic newbies bring with them enthusiasm, the drive to take on time-consuming projects and the willingness to evolve and improve with ever-changing times. It is a combination of these types of members that would make the Council a successful one.

I believe that setting a limit for terms of service for the Bar Council is artificial and may hinder the actual much needed functional make-up of the Council. As such, I am against such a move.

I sincerely think that the emphasis should be on preventing any member, senior or less-experienced, from serving on the Council for name or recognition's sake alone. A mechanism must be created to ensure that only capable persons are entrusted with this duty, alongside the continued creation of awareness amongst lawyers about the careful exercise of their right and duty to vote.

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?

Working conditions have always been tough for the legal profession. It is after all a dog-eat-dog world, where sometimes lawyers have to play the role of the hound; other times, clients (or more senior lawyers) make them prey. I am of the view that those who leave the profession do so for their own reasons, including but not limited to preferring a different future than that a lawyer's career holds for them.

I am of the view that, in order to survive in this profession or any profession at that, Young Lawyers must learn to adapt and excel in these hard times. This is how I was raised and even my legal mentors never departed from a similar philosophy. Young Lawyers cannot afford to be molly-coddled into an easy existence if they want any place in this honourable profession.

Notwithstanding this, for the profession as a whole, I am all for efforts to improve working conditions, public perception and recognition of the role of lawyers in society. This would include efforts to:-

- (i) increase billing rates and Court awarded legal costs to commensurate with time cost, effort, ability and experience of the lawyer/firm;
- (ii) improve the goodwill and respectability of the profession as a whole;
- (iii) educate the public (and even lawyers themselves) on the role of the Bar in society, as a credible and firm check and balance to the Executive and public authorities, and a useful participant in the legislative process;
- (iv) Provide measures to enable lawyers to effectively carry out their work; constantly improving their working conditions and negating all unnecessarily hampering red-tape, and to enabling lawyers to share their experiences with one another so we can grow and prosper together.

This is an agenda which I would constantly undertake in my service with the Bar.

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?

I believe that, in an effort to reduce backlog, excessive emphasis has been placed on statistical performance. I have seen how this causes Judges and Registrars to rush cases, which in turn causes justice to the parties to suffer. As a litigation lawyers, I have seen in my own eyes that this numbers game affords neither party a fair hearing. If justice were so easy, no one would need judges, and vending machines could take over the determination of all legal disputes.

As a Council member, I would constantly be involved in dialogues with the Judiciary and the AG's Department to bring attention to the pitfalls of hurried dispensation of justice. As a lawyer, I would also gladly be involved in efforts to bring about awareness on the subject, amongst the public at large.

Nevertheless, I am of the view that once the long-standing backlog can be alleviated, most of these measures do not need to be in place any longer, and

eventually a more relaxed practice pace will return. It is for the Bar Council to do its part to ensure this happens sooner rather than later, to prevent hardship to lawyers and their clients.

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 must admit that I am not a Conveyancing practitioner and have a limited practical understanding of this subject matter.

However, from the little that I have observed of my friends' conveyancing work, while I do not believe the SRO has been entirely successful in its objectives due to practical implementation constraints, I am of the view that such a measure is necessary, must be maintained and constantly improved, lest lawyers shall become mere cheap paper-pushers in the Industry.

When I spoke with Singapore lawyers at the POLA (Presidents of Law Association) Conference recently, they all lamented of their regretful foolish opening of the markets forces in relation to conveyancing. I believe we should heed their experiences as a warning.

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?

I am of the view that the Royal Commission's findings are clear enough on the culpability of the named persons and the AG must prefer charges against those named wrongdoers. Otherwise, this would cause a farce of the entire Royal Commission and also the so-called effort by the Government to improve the Judiciary.

I believe the Bar Council should keep on pushing the AG for the charges to be brought against the individuals, and we must never relent. Against our own implicated member, we must conclude the ongoing disciplinary action against him, to set a clear example to our other members.

I would also support any Civil Society initiative to lobby for political pressure so that this issue is taken seriously by the people and the government.