



Kuala Lumpur Bar

Thursday 6th March 2003

2.30 PM

Grand Ballroom
The Legend Hotel
Kuala Lumpur

11TH ANNUAL GENERAL MEETING

KUALA LUMPUR BAR COMMITTEE 2002/03



L. to R. (Front): Ms M Moganambal (YLC Chairperson), Ms Ambiga Sreenevasan (Rep. to Bar Council),
Ms Jayaletchumi Rajaretnam, Mr Ragunath Kesavan (Chairman),
Ms Mary Tan (Executive Secretary), Cik Sa'adiah bt Din

(Back): Mr Sanjeev Kumar Rasiah (YLC Secretary), Mr Oommen Koshy (Hon Secretary),
Mr Stanley Sinnappen, Mr Jerald Gomez, Mr Colin Andrew Pereira, Mr Lim Chee Wee

Inset : Cik Animah bt Fuad Kosai

CHAIRMAN'S REPORT

We had an excellent working committee this term and their support and hard work together with the participating members of Kuala Lumpur Bar ensured that most of our programmes and projects including those initiated in the preceding years were carried out successfully.

The Kuala Lumpur Bar, the largest State Bar with a membership of more than 5000 has diverse needs and requirements. Although all the larger firms in Malaysia are situated in Kuala Lumpur, a majority of up to 90% of our members are from small and medium sized law firms.

The KL Bar-LexisNexis partnership was launched to assist these firms to access their electronic legal database for a reasonable fee.

We have revived the tradition of holding Reference Proceedings. This tradition, discontinued as a result of the judicial crisis of 1987, recommenced through the initiative of the Bar Council and the support of the Judiciary.

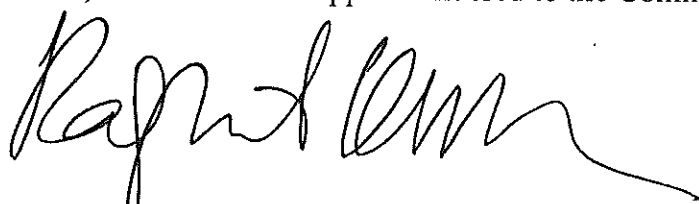
The working relationship between our Committee and the Courts has improved significantly over the years. This relationship, especially with the Lower Courts has resulted in the Judiciary being receptive to our comments and recommendations for the improvement of the administration of the Courts.

The KL Legal Aid Centre and Relevan remain relevant and continue to generate interest and support within the profession.

The Young Lawyers Committee has been inspiring. This Committee is now entrenched as an integral and important part of the Kuala Lumpur Bar Committee.

Members must continue to strongly support the KLBC for us to remain relevant as an important and crucial stakeholder in our justice system.

We thank you for the cooperation, assistance and support rendered to the Committee.



Ragunath Kesavan
Chairman
Kuala Lumpur Bar Committee

ANNUAL REPORT 2002/03

1. 10TH ANNUAL GENERAL MEETING

The 10th Annual General Meeting was held on Monday 19 March 2002 at 10:00 a.m. at the Grand Ballroom, The Legend Hotel, Kuala Lumpur. It was adjourned from 12 March 2002 due to the lack of a quorum.

2. OFFICE BEARERS

At the 10th Annual General Meeting, the following office bearers were elected:

a) Bar Committee 2002/03

Chairman: Ragunath Kesavan

Members: Jerald Gomez
Animah Fuad Kosai
Stanley Sinnappen
Lim Chee Wee
Colin Andrew Pereira
Oommen Koshy

b) Representative to the Bar Council for 2002/03

Ambiga Sreenevasan

3. HONORARY SECRETARY

Oommen Koshy was appointed by the Committee as Honorary Secretary for the year 2002/03.

4. CO-OPTED MEMBERS

Jayaletchumi Rajaretnam and Sa'adiah Din were co-opted as members of the Bar Committee under Section 73(vii) of the Legal Profession Act 1976 at the 1st Committee meeting for the year held on 26.3.2002.

5. CASUAL VACANCY IN THE COMMITTEE

Animah Fuad Kosai left practice on 6.1.2003 and consequently ceased to be a member of the Committee. Pursuant to Section 75(1) of the Legal Profession Act 1976, the Committee appointed Jayaletchumi Rajaretnam to replace her.

6. COMMITTEE MEETINGS

a) As at 18.2.2003, the Committee met 13 times and the attendance of each member was as follows:

Ragunath Kesavan	- 13
Jerald Gomez	- 13
Animah Fuad Kosai	- 9
Stanley Sinnappen	- 11
Lim Chee Wee	- 8
Colin Andrew Pereira	- 13
Oommen Koshy	- 11
Jayaletchumi Rajaretnam	- 12
Sa'adiah Din	- 8

- b) Ambiga Sreenevasan, the representative to the Bar Council, was invited to attend the Committee meetings as observer and also to report to the Bar Council on relevant matters as and when pertinent and necessary. She attended a total of 7 meetings.
- c) The Chairperson and the Secretary of the Young Lawyers Committee, Moganambal and Sanjeev Kumar, were invited to attend the Committee meetings as observers. They attended a total of 9 and 11 meetings respectively.

7. FINANCE

The financial position of the Committee remains stable with a sum of RM723,862 in Fixed Deposit. Details of the financial position are as set out in the Audited Accounts ending 31.12.2002.

8. SUBSCRIPTIONS

- 8.1 The subscription for the year 2002 was fixed at RM100.00 at the 10th Annual General Meeting of the Kuala Lumpur Bar held on 19.3.2002.
- 8.2 At the closing of the Committee's financial year on 31.12.2002, 70 members were in arrears of the 2002 subscription.

9. NUMBER OF MEMBERS

As at 18.2.2003, the Kuala Lumpur Bar has a total of 5671 members.

10. SUB-COMMITTEES AND LEGAL AID MANAGEMENT PANEL

The following committees were set up to facilitate the organisation of the Bar Committee's various activities and to cater to the needs of the Bar and were headed by the following members:

- i) Environmental Law : Animah Fuad Kosai
- ii) Information Technology : Lim Chee Wee
- iii) Legal Aid : Jayaletchumi Rajaretnam
- iv) Public Relations & Court Liaison : Jerald Gomez
- v) Pupils' Welfare : Sa'adiah Din
- vi) Social : Colin Andrew Pereira
- vii) Sports : Oommen Koshy
- viii) Relevant newsletter : M Moganambal
- ix) Young Lawyers : M Moganambal

Their respective activities and reports appear in pages 26 to 64.

11. FORUM ON "CRITERIA FOR APPOINTMENT AND ELEVATION OF JUDGES"

A forum to discuss issues concerning the Judiciary and the criteria for appointment and elevation of Judges was organised following the revelations by former Court of Appeal Judge, Y Bhg Dato' Shaik Daud Ismail published in Malaysiakini on 22 to 24 May 2002 as to what transpired during his tenure as a Judge of the Malaysian Judiciary. The forum was held on 14.6.2002 and the speakers were Y Bhg Dato' Syed Ahmad Idid and Y Bhg Datuk Dominic Puthucheary. Y Bhg Dato' Shaik Daud was initially scheduled to speak at the forum but due unforeseen circumstances, he was unable to attend on the said day. A report on the forum was published in our July 2002 issue of Relevant.

The Committee intended to prepare a memorandum on the appointment of Judges, however, this project was shelved as it was undertaken by the Bar Council.

12. PRESS STATEMENTS

- 12.1 A Press Statement was issued immediately after the last AGM of the KL Bar in March 2002 expressing the concern raised by members of the KL Bar at the said AGM that the 2nd draft of the Malaysian Academy of Law Bill was approved by the Cabinet without seeking the views and comments of the Malaysian Bar and with the plans for the amendments to the Legal Profession Act 1976 as the proposed amendments has not been forwarded to the Bar Council for feedback and comments. **Annexure "KLBC-1"** (pg 107)
- 12.2 In May 2002, the Committee issued another Press Statement urging all members of the KL Bar to attend the EGM of the Malaysian Bar on 31.5.2002 called by the Bar Council to discuss the Malaysian Law Academy Bill and to oppose the said Bill which may have serious ramification to the legal profession and the role of the Malaysian Bar in upholding the rule of law. **Annexure "KLBC-2"** (pg 108)
- 12.3 The Committee was appalled by the arrest, detention and subsequent charges levelled against Mr Uthayakumar, a member of the KL Bar, by the Public Prosecutor. A Press Statement was issued on 27.1.2003 expressing our grave concern over the manner of Mr Uthayakumar's arrest and the subject matter of the charge against him for the alleged offence under section 228 of the Penal Code. We also stated our support of the Bar Council's position on the matter and reaffirmed the call that all charges against Mr Uthayakumar be withdrawn immediately. **Annexure "KLBC-3"** (pg 109)
- 12.4 The Committee issued a circular dated 19.7.2002 in response to the President of the Malaysian Bar's comments on the decision of the Federal Court in the Anwar Appeal. **Annexure "KLBC-4"** (pg 110)

13. CONGRATULATORY MESSAGES

Congratulatory messages were sent by the Committee on behalf of the Kuala Lumpur Bar to various legal personalities who were appointed to high office and who were bestowed titles.

14. OBITUARIES

- 14.1 The Committee records with deep sorrow the passing away of the following members of the Kuala Lumpur Bar during the year under review:
- Mr Panneer Selvam Punandy on 4.3.2002
 - Encik Wan Abdul Majid bin Wan Hamid on 12.7.2002
 - Mr Ramid Khan on 26.10.2002
 - Mr Yong Ban Fatt on 3.2.2003
- 14.2 We have, with the support and cooperation from the Bar Council and the Judiciary, revived the tradition of holding Reference Proceedings. The task of organising the Reference Proceedings was assigned to Stanley Sinnappen. Two sessions had been held to date and three more sessions are scheduled to be held, two in March and one in April 2003. A more detailed report can be found in page 25.

15. ACKNOWLEDGEMENTS

We acknowledge the cooperation and assistance received from the Chief Judge and High Court Judges, Registrar of the High Court, Deputy and Senior Assistant Registrars, Senior Sessions Court Judge, Sessions Court Judges, Magistrates and Registrars of the Sessions and Magistrates Court of both the KL and Selangor Courts.

We thank all our members for their continuous support and co-operation. We hope that members will continue to extend the same to the incoming Committee.

KUALA LUMPUR BAR COMMITTEE

REFERENCE PROCEEDINGS

The tradition of holding Reference Proceedings for departed members of the Bar, which was last held in 1988, was revived this year. The revival would not have been possible without the cooperation and support of the Bar Council and the Judiciary in particular the Chief Justice, YAA Tun Mohamed Dzaiddin and YA Dato' Faiza Hj Tamby Chik.

Though 13 years had passed and since the last Reference in 1988, 66 members (at the time of the fixing of the dates for the Reference Proceedings) had passed away, we would want to remember and pay tribute to each and every one of them who at one time was a part of the KL Bar (or Selangor & FT Bar). We therefore decided to hold the Reference for all the 66 members.

We compiled a memorial booklet containing a collection of tributes to, and memories of, our 66 departed colleagues. Copies of the booklet were distributed at the Reference to family members of our departed colleagues, their friends and members of the Bar. We would like to thank Nicole Wee, Sharmini Thiruchelvam, Anantha Krishnan, Animah Kosai and Moganambal for assisting in the editing of the booklet.

We conducted the Reference in batches of 14 to 15 per session because of the large number. The first Reference was held on 19.9.2002, forming part of the series of References to be held for the 66 members. We paid respect and tribute to 14 of the departed members at the first Reference namely:

Meena Kumari	Ranjit Singh a/l Najar Singh	Narayanan Sanguni Nair
Kalvinder Kaur	Chelliah Navaratnam	Sia Teck Thian
Dev Anand KTArasu	Umathevy Ratnasingham	KR P Perumal
Ahmad Fadzil Omar	Lim Cheng Poh	Koay Swee Lin
Woon Kim Poh	R Ponnudurai	

The KL Bar was represented by its first Chairman, Y Bhg Dato' RR Sethu, the Malaysian Bar by its current President, Mr Mah Weng Kwai and the Honourable Attorney General, by Y Bhg Dato' Abdul Aziz bin Abdul Rahim.

The second Reference was held on 16.10.2002 paying respect and tribute to the following members:

Clarence Wilfred	Karam Singh Veriah	Eugene Lye Kim Hai
Linda Tai Fook Yen	CKG Pillay	Lian Yao Ming
Daniel Lee Yun Khong	Irene Ong Lee Ling	S Krishna Aiyar
Lee Jiun Leong	Ng Man Kit	D Surendranath PD Nair
GTS Sidhu	Atma Singh Gill	

Mr Dennis Appaduray, a past KLBC Chairman, represented the KL Bar at the second Reference. Puan Hendon Hj Mohamed, a former President of the Malaysian Bar, represented the Malaysian Bar and Encik Ahmad Kamal bin Md Shahid represented the Honourable Attorney General.

We record our gratitude to YA Dato' Faiza Hj Tamby Chik for presiding over both the Reference Proceedings. We would also like to thank His Lordship's former Deputy Registrar, Puan S Narkunavathy and Senior Assistant Registrar, Tuan Mohd Zairan for their assistance and cooperation in the numerous meetings we had pertaining to the Reference Proceedings.

Three more References are scheduled to be held on 17.3.2003, 26.3.2003 and 21.4.2003 for the remaining 38 members:

R R Chelliah	Tong Teck Yong	Joseph Loo Shin Mun
John Skrine	Murugappan Manickam	Shukanta Choudhury
Tan Sri Dato' Dr Eusoffe Abdoolcader	Goh Tin Poh	Balakrishnan Shanmugam
Mohd Kassim bin Ahmed	Chan Eu Gene	Peter Yeoh Keat Choon
Baldev Singh a/l Kartar Singh	Koh Chwee Hoe	Hoh Pau Yu
Low Ping Loong	Charles William Kraal	Philip Adolphus
Lim Teik Aik	Laurence Teoh Guan Hock	To' Puan Noraini Kassim
Mahinder Singh Sidhu	Lim Shee Ping	Sharifah Aloyah bte Syed Mohd Alsagoff
Suresh Gnanasegaram	T Selvendranathan	Mohd Maydien bin Tapil Ahmad
Chinniah Ahnantakrishnan	Chrysanthus Romauld Lopez	A M Kandasamy
V K Moorthy	Tan Kok Guan	Mohd Akhir bin Mohd Desa
Edmund Yong Joon Hong	Subramaniam Komban	Panneer Selvam Punandy
Vadiveloo Anumanthan	Zainal Abidin bin Mohamed Wazir	

Once again we record our thanks to YA Dato' Faiza Hj Tamby Chik for agreeing to preside over the said three References.

We record our deep sorrow that we have to include in the above list another 3 colleagues at the KL Bar, Wan Abdul Majid, Ramid Khan and Yong Ban Fatt, who passed away during the year under review.

Stanley Sinnappen

ENVIRONMENTAL LAW

Chairperson	: Animah Kosai
Members	: Janet Looi Tunku Alina Philip Teoh Tuan Zubaidah Tee Sheng Wey Quek Sue Yian Vanessa Moo Nurliza Ramli Lee Siew Kin
Advisor	: Hasmah Harun
Observers	: Sharon Lim Firdous Mohd Jan Juhanna Maneesah

Objectives for 2002/03

The committee set out its objectives for the year as follows:

- Increasing awareness of environmental issues among lawyers
- Building networks with the relevant players in industry and government
- Highlighting and educating industry on key environmental issues

Each objective was fulfilled with the implementation of various programmes held throughout the year.

1. Increasing Awareness: Capacity Building and Knowledge Sharing

Each committee member is tasked with a specific environmental issue ranging from diverse issues such as wildlife, climate change and GMOs (genetically modified organisms) and shares information on their field with the rest of the committee during meetings and through the committee's eGroup.

In June 2002, Dr Azmi Sharom, lecturer in environmental law with University Malaya gave a very animated and enlightening lunch talk on International Environmental Law for the Kuala Lumpur Bar. In addition there are plans for a weekend field trip with Dr Catherine Yule of Monash University Malaysia at Kuala Selangor in early 2003 for members of the Kuala Lumpur Bar.

2. Building Networks

Members of the committee have actively participated in seminars, industry dialogues and discussions relating to various aspects of the environment which has resulted in a higher and increasingly positive profile for the legal profession and its interest in safeguarding the environment. Members have been specifically invited to the following dialogues for their legal input: AMCHAM dialogue with the Director General of Environmental Quality on DOE's update on changes to the Regulations under the Environmental Quality Act 1974; CETDEM's workshop on Climate Change; and LESTARI and FRIM's Roundtable Dialogue on Waste Management.

3. Cooperating with Government in Addressing Environmental Problems

In June 2002, the committee met with the Director General of Environmental Quality, Puan Hajjah Rosnani to discuss the current environmental problems within Malaysia and explore how the committee could assist DOE in addressing some of these issues. The discussion was positive and fruitful. Briefly, the salient points are set out below.

- The DG noted that lawyers (practitioners and in house legal counsel) could play a much stronger role in

ensuring clients' compliance with environmental laws. For example, lawyers could emphasise the existence of environmental laws and liabilities when advising clients particularly in matters involving construction, land, investment, mergers and acquisition and due diligence exercises. Contract lawyers could also incorporate comprehensive environmental clauses in their contracts. *Note: The committee has commenced compiling environmental clauses.*

- DOE officers required further training in collecting evidence and in handling Court cases. DOE has set up a training institute in Bangi and the possibility of having lawyers assist in training DOE officers such as conducting mock Court cases was discussed. *Note: As currently the committee is short of litigators, this issue has been brought before the Bar Council Environmental Law Committee for its consideration.*
- The Environmental Quality Act 1974 (EQA) is undergoing review and the committee's input would be welcomed. *Note: The committee's input was part of the Bar Council Environmental Law Committee's submission of proposed amendments to the EQA to the Environmental Quality Council.*
- DOE's biggest challenge was to educate developers in abiding by DOE guidelines, particularly the Guidelines on Hill Slope Development which are merely guidelines and not legally binding. The committee suggested that it hold a workshop for developers and contractors addressing environmental compliance. *Note: This led to the Workshop on Sustainable Housing Development.*

4. Workshop on Sustainable Housing Development

On 8 October 2002, the Sub Committee held a one day workshop on "Sustainable Housing Development: Building For Future Generations" at Hyatt Saujana. A total of 41 participants attended the Workshop, comprising lawyers, engineers, developers, contractors, architects, town planners, environmental consultants and designers. The main thrust was to demonstrate an alternative and environmental friendly approach to housing development. This included the showcase of environmentally sensitive and energy efficient developments. 11 Speakers and panelists from DOE, the Ministry of Housing and Local Government, Majlis Perbandaran Subang Jaya, CIDB, DANCED, the Putrajaya town planners and the Sub Committee spoke on topics commencing with the design and approvals stage, actual construction and finally the disposal of construction waste.

The workshop generated a profit of RM2,251.81.

The committee has prepared a report of the workshop highlighting the issues discussed and the recommendations made. The report has been submitted to DOE and the Ministry of Housing and Local Government.

Another outcome of the Workshop is that the committee has been informally invited by the Ministry of Housing and Local Government to give input to their committee set up for the review of the Street Drainage and Building Act 1974 and the regulations and by-laws thereunder.

5. Fundraising

The committee has continued with its sales of Sharkie t-shirts and bags, which was stock from the previous year. The profit for this year is RM2,764.95. The committee intends to donate the profits to a charity for under-privileged children.

Teamwork

It has been a productive and fun year for the committee largely due to the unwavering dedication and passion displayed by the team. A big thank you is given to every member, observer and advisor for the support and commitment to the environmental cause.

Animah Kosai
Chairperson
Environmental Law Committee

INFORMATION TECHNOLOGY (IT)

Chairman: Lim Chee Wee

Advisors: Deepak Pillai
KH Koh
Nicholas Leong

John Chong
Surinta Abraham

Members: Chan Wen Li
Chempaka Emalin Pahamin
Eric Chin
Gary Lim Chin Yee
Haslyna Hashim
Jacqueline Chang

Jason Lee
Sakthi Perumal
Stanley Lim
Tan Eng Choong
Wan Kai Chee
Yvonne Siew

1. Objectives of the IT committee

In the age of globalisation, as legal practice moves towards to a connected, paperless environment, members must embrace IT to remain competitive. As with previous IT committees, the main objective of the present IT committee has been to promote the use of IT by lawyers, to emphasise to members that the Communications Revolution is our friend and ally, and to explore new ways in which IT can improve our professional lives.

The following projects were undertaken by the committee.

(i) LexisNexis Package

Much of the committee's work this year has been focused on the partnership between the Kuala Lumpur Bar Committee and LexisNexis to allow KL Bar members affordable access to LexisNexis' Database.

We have managed to negotiate a scheme for our members in small and medium sized practice to provide access to the LexisNexis' Commonwealth Cases and Legislation Database. The applicable rates and access are as follows:

No. of Lawyers	No. of Access Points	Rates p.a.
1 to 10	1	RM1000
11 to 20	2	RM2000

The rate for usage is fixed for two (2) years, effective 1 November 2002. LexisNexis has also agreed to provide the KL Bar Committee financial support and assistance in our projects including the provision of MLJ backset books and others at no cost for the KL Bar Room in Wisma Denmark.

In the negotiations with LexisNexis, we did pursue availability of this scheme to law firms with more than 20 lawyers. However, for commercial reasons and the preference of larger law firms to opt for a wider database package LexisNexis could not extend the offer. We are presently in discussions with LexisNexis to formulate other packages with print subscriptions and books.

We look forward to a continuing and mutually beneficial relationship between KL lawyers and LexisNexis.

(ii) Workshop and IT Fair – Increasing Productivity With IT

A Workshop and IT Fair was held on 10 January 2003 with the theme of "Increasing Productivity With IT" with lawyers Mr KH Koh, Mr Deepak Pillai and Mr Nicholas Leong together with Mr John Chong (a former practitioner) delivering papers on basic hardware and software for law office, the benefits of networking, setting up client & office management system, setting up a website, setting up digital repositories of legal precedents and legal research & knowledge management.

Due to the success of the Workshop and IT Fair, the committee is organising a similar event on 6 March 2003 coinciding with the Annual General Meeting of the KL Bar.

(iii) Talk by Wordwave International Asia (formerly known as Smith Bernal International)

Wordwave is a global provider of Court reporting and transcription services. Ms Vicky Harris, the then Business Development Director of Wordwave, gave a talk on 17 July 2002 to members of the KL Bar on the services offered by Wordwave with emphasis on real-time or delayed transcription services which could be used during trial and arbitration proceedings. Further details of their services can be obtained at their website, www.wordwave.com.

(iv) Membership System

A new membership database is required for the Secretariat to replace the present archaic system. The new database system is a Member Administration and Payment System ("MAPS"). MAPS will result in effective and efficient management of member information and payments, automation of workflow, easily available reports and data export for future development.

We conducted 2 rounds of tender with 8 candidates in the first round and had 2 shortlisted candidates for the final round. We recommended Ingenisys Sdn Bhd for the membership system and work has begun with expected completion in September 2003. The costs of the development and implementation of MAPS is around RM50,000.00.

(v) Website

The objectives of the website are to provide a repository of information useful or important to members and the point of reference for communication between members and the Kuala Lumpur Bar Committee. Apart from containing information about the Committee and sub-committees, and publications, the features of the website will include online forum, site member and firm searches, poll/voting with guestbook, advertisement, calendar of events and posting of notices from the Judiciary, government departments and recently delivered judgments which have yet to be reported.

The costs of the development and implementation of the website is RM11,000.00 with an annual hosting, maintenance and content management fee of RM2,700.00. It is anticipated that the revenue from advertisements on the website would be more than sufficient to pay for the set-up and maintenance costs of the website.

Ingenisys Sdn Bhd was appointed to develop and maintain the website.

2. Conclusion

The LexisNexis scheme, MAPS and website would be the foundation for increasing the use of IT in the Kuala Lumpur Bar. It is hoped that the IT Workshop and Fair will continue with greater frequency and attendance, exploring and encouraging the use of IT and new ideas in legal practice.

Finally, I wish to express my gratitude and pleasure in working with each and every one of the IT committee members whose dedication and untiring enthusiasm and effort had made these projects possible.

Lim Chee Wee
Chairman
IT Committee

PUBLIC RELATIONS & COURT LIAISON

Chairman: Jerald Gomez

Members:	Abdul Rashid Ismail	Mansheel Kaur
	Christopher Leong	Mohanadass Kanagasabai
	Colin Andrew Pereira	R Ravindra Kumar
	Joslyne Goonting	Teh Yoke Hooi
	Lee Choi Wan	Wong Chiong Seng
	Lim Chee Wee	Wong Lu Peen

We have once again had a very effective year. We started off with writing to each and every one of you inviting complaints, suggestions and ideas on improving the administration of justice in Kuala Lumpur. We also worked with the Selangor Bar Committee representatives to do the same with the Shah Alam and Klang Courts as a substantial number of our members regularly appear in those Courts as well.

We received various complaints, suggestions and ideas from concerned members. We replied each one individually and personally. We raised most of your complaints and suggestions with the Judiciary. The ones that were one off problems, we have tried to resolve with the Judge or SAR concerned and are not highlighted in the circulars issued.

Meeting with Klang Sessions and Magistrates Court on 17.5.2002

We met with the Judges and Magistrates of the Klang Sessions and Magistrates Courts on 17.5.2002. This meeting was organised by the Selangor Bar Committee and we were invited to attend. Many issues were discussed there including delay in extraction of documents, failure to inform members when Judges are on leave, striking out cases on first call, condition of the toilets etc. The Court assured us they would look into all that was raised. It was a good and cordial meeting. A copy of the report prepared by Abdul Rashid Ismail is annexed here as "KLBC-5" (pgs 111-112).

Meeting with the New Senior Judge of the KL Lower Courts on 21.6.2002

Members of your committee paid a courtesy call on the new Senior Judge Dato' Mohd Azman on 21.6.2002 at 3pm. This date and time was fixed by the Judge himself. Special mention must be made of Ravindra Kumar and Mansheel Kaur who, though being very keen football fans, missed the World Cup match between Brazil and England to accompany the KLBC Chairman and me to this meeting. We welcomed the new Judge to KL and discussed general problems that members of the KL Bar faced in Court. We suggested that we have a meeting with all the Lower Courts Judges, to which he readily agreed. The Judge also informed us that he was willing to meet any one of us at any time to resolve any problems that members of the KL Bar may have. It was indeed a very good meeting.

Computerisation/Transcription service in Court

We had, in 2001, spoken to the Chief Judge then regarding the above, and he was very open to the idea. During that year we had meetings with the Registrars and Judges on this issue. The first attempt was to set up some computers in Justice Dato' Arifin Zakaria's Court as a pilot project.

It was a very basic system. We then organised a demo of a transcript service provided by Wordwave International on 17.7.2002. The Company had done and is still providing this system to the Hong Kong Judiciary. We invited the Registrar who is involved in this project. The demo was well attended. Although the cost for such a system is high, we recommended the system to the representatives of the Judiciary who were present. Special mention must be made of Lim Chee Wee who joined this committee in 2002 and is also the Chairman of the IT committee for the year 2002/03. He had put in a lot of time and effort in this regard. There was some overlapping of work between the two committees.

We had a follow up meeting the Registrar and Justice Dato' James Foong.

On 1.10.2002 the Chief Justice launched the reorganisation of the Civil Courts and the computerising/transcription of evidence. A demo was organised with the assistance of members of the KL Bar. Five computer screens were set up, one each for the Judge, the witness, the two lawyers and the stenographer. The system also has the ability to bring up onto the screen, statutes, Rules of the High Court and the various sub-rules while the trial is in progress. The notes of evidence can be printed out immediately.

This system was launched on 1.10.2002 and was widely reported in the local press. How fast it is now implemented in all the Courts will depend wholly on the Judiciary.

Meeting with KL Sessions Court Judges, Magistrates and Registrars on 24.8.2002

There was full attendance at this meeting. The Chief Judge had sent the Registrar of the High Court, Tuan Mohamad Zabidin to chair the meeting. There was a frank exchange of views. We have given you a report by way of a circular No. 15/02 on what transpired at the meeting. A copy of the circular is annexed here as "KLBC-6" (pgs 113-117).

Meeting with Registrar of Land Titles for Kuala Lumpur on 5.9.2002

The report on what transpired there is incorporated in circular No. 15/02 annexed here as "KLBC-6" (pgs 113-117). Special mention must be made of Wong Lu Peen who expended a lot of time and effort in this area.

Meeting with Justice Dato' James Foong on 11.9.2002

This meeting was initiated by the Judge himself. Together with the KLBC Chairman we attended this meeting. The Judge informed us of the Chief Justice's plan for re-organising the Civil Courts and explained the details to us. He asked for our help to ensure its smooth implementation. We were informed that it would be officially launched on 1.10.2002 by the Chief Justice himself and that there would be a 2-week trial period prior to that commencing the following Monday. Please note that we were never informed of the re-organisation before this meeting. A circular was immediately drafted and sent out to all members of the KL Bar. Circular No. 13/02 is annexed here as "KLBC-7" (pgs 118-119).

We worked closely with the Registrars to make the re-organisation of the Civil Courts as comfortable and convenient to our members as we could. We were repeatedly asked for our comments but we made no comment at the time as a decision was taken by the KLBC and PRCLC not to make any comment until we obtained proper feedback from all our members.

A tea reception at the Royal Selangor Club on 20.9.2002

We had a tea reception for all the KL Sessions Court Judges, Magistrates and Registrars at the Selangor Club. This was to further enhance the good relationship between the Bench and Bar and also to meet on an informal basis to discuss the various issues that we had discussed previously at our meeting on 24.8.2002. It was a good meeting, the members of the Bench were less formal and more open with the difficulties they have.

Meeting with the Head Judge of the Shah Alam High Court on 11.10.2002

This meeting was initiated by the Selangor Bar Committee. 5 members of the PRCL committee attended the meeting as representatives of the KL Bar. Many issues were discussed. A copy of the report prepared by Abdul Rashid Ismail is annexed here as "KLBC-8" (pgs 120-121). The Selangor Bar Committee was of the view that if we had any problems with the Courts in Shah Alam we should raise it through them and not directly. This is being considered by the KLBC and clarification is being sought as to exactly what that means. Most members of your PRCL committee feel that as many members of the KL Bar practise in the Shah Alam and Klang Courts, we should be able to raise any problems faced by our members either directly with the High Court Judges, Sessions Court Judges, Magistrates and Registrars, or jointly with the Selangor Bar Committee. Your PRCL committee is of the view that there should not be any impediment or restriction placed on your representatives to resolve problems directly with the Judges concerned. The Head Judge did indicate that she is willing to meet us independently on problems faced by the KL Bar. We however want a united front before the Judiciary and this must be sorted out between the KLBC and Selangor Bar Committee.

Lunch hosted by the Bench on 22.10.2002

The Sessions Court Judges, Magistrates and Registrars gave the KLBC and your PRCL committee lunch. It was well attended. Again we had an opportunity to raise some of the individual problems that we had received. Some of the individual Judges/Magistrates concerned assured us that the matters raised would be sorted out. The enquiry counters were a hot topic. In the less formal atmosphere, we could deal with the more sensitive issues like a witness being threatened with contempt, counsel coming late and asking for reinstatement, certain staff at the counter who were rude and the like. We are pleased to inform you that what we raised was taken in the right spirit and most of the problems were attended to by the Bench.

Special mention must be made of Ravindra Kumar for the time and effort in coordinating the meetings and the follow up with the Judges, Magistrates and Registrars. On many occasions members of the PRCL committee also met with

individual Judges and Magistrates to resolve various problems.

Rejection of documents by Counter Clerks

We had the problem of the rejection of documents by counter clerks. It happens in both the Lower Courts and the High Courts. We have raised this issue on several occasions with both the Lower Court Judges and the High Court Judges. In some instances the Bench refers to practice directions and in others they refer to specific rules in our High Court Rules that permit such a practice. Much discussion has gone into this to find a way to convince the Judges of the need to stop this practice. We decided to prepare a paper on the problem and to address the legal issues involved. The task was undertaken by Joslyne Goonting who has researched the matter thoroughly and prepared a paper on this problem, on the correct legal position and ways to resolve it.

We have forwarded the paper to the KLBC for their consideration and approval and thereafter it will be sent to the Bar Council and the Judiciary. A copy of the paper is annexed here as "KLBC-9" (pgs 122-126). Your comments and views on this is appreciated.

Standardising Case Management procedures

There were a lot of comments on case management and the various practices each Court had. The PRCL committee decided to come out with some proposals on this to be forwarded to the Judiciary. A copy of the proposals is annexed here as "KLBC-10" (pgs 127-128) for your perusal. Special mention must be made of the time and effort spent by Mohan Kanagasabai in compiling the feedback and coming up with the key concepts and basic proposals for case management. We invite comments and feedback on the same. We will consider every comment and feedback and try to incorporate same before forwarding it to the Judiciary. The paper is being presently considered by the KLBC.

Feedback and consensus reached on the reorganisation of the Civil Division of the KL High Court

We sent out a circular to you inviting feedback. We received many comments and complaints. There were various points of views and many said the same thing in many different ways. It had to be condensed into point form to enable us as a committee to discuss and evaluate each one. Teh Yoke Hooi undertook the lengthy and arduous task of going through each and every complaint and suggestion and putting it all down in point form. Some members gave directly opposite feedback. The PRCL committee met twice on this matter and decided to invite all those who had written in, to a meeting, to enable us to reach a consensus on what we are going to place on record to the Judiciary.

A meeting was held on 10.12.2002 at the KL Bar secretariat, which was well attended. Those who wrote in but could not attend, sent representatives. We discussed all the issues at length and reached a consensus. Again Teh Yoke Hooi on an urgent basis prepared a concise report on the issues on which we were in consensus. This report was then presented to the PRCL committee who made amendments and later to the KLBC who discussed the report, made further amendments and additions to same. Both Committees agreed to the report in toto. A copy of the report which has been given to Justice Dato' James Foong, the Chief Justice, President of the Court of Appeal and the Chief Judge is annexed here as "KLBC-11" (pgs 129-131).

Law Books at Wisma Denmark Bar Room launched on 2.1.2003

At the last AGM we sought your approval to use your funds to purchase law books, in particular one set of MLJs at a discounted price of about RM20,000/=. We then started negotiations on the amount of books we could get for that money and the cost of a cabinet to house the books. We asked for quotes from various carpenters and finally selected the best. We reorganised the Bar Room and the cabinets were built. We came up with a system where members can do their own photostating if required. We managed to secure more law books than expected.

Due largely to the efforts of Abdul Rashid Ismail, who joined the committee this year, this project has now become a reality. The law books were officially made available for the use of members on 2.1.2003 and the photostating facilities with the card system was implemented on 23.1.2003.

We have managed to get the books for you **absolutely free**, thanks to LexisNexis.

The rules were prepared and approved by the PRCL committee and later considered and issued by the KLBC. We sent a circular informing you all of the books secured with a copy of the rules. A copy of the circular and the rules is annexed here as "KLBC-12" (pg 132) and "KLBC-13" (pg 133) respectively.

We have also put in a request for an allocation of RM30,000/= from the Bar Council to equip the Bar Room at the Lower Courts with the same facility. We are waiting for a response from the Bar Council.

Talk on Advocacy on 16.1.2003

We received feedback from the Judges that they were not too happy with the standard of advocacy 'nowadays'. We assured them that all lawyers who qualify 'nowadays' have to go through a 2-day course on ethics and advocacy. We also assured them that we organise talks for younger members of the Bar from time to time on Advocacy by eminent Judges and lawyers.

In line with this, your committee organised a talk by Justice Dato' James Foong, Dato' Mahadev Shankar and Mr Sivarasa Rasiah. Christopher Leong's tireless efforts in this regard made the talk a success.

The Committee decided that it should be free to enable younger members and chambering pupils to attend. The auditorium was packed to capacity. 255 members signed in. Many others stayed throughout despite having to stand for the duration. It was an enlightening evening and we received positive feedback from members who attended with the request that we hold more of such talks in future.

Meeting with Justice Dato' James Foong on 30.1.2003

We had a meeting with Justice Dato' James Foong on 30.1.2003 and presented him with our report ("KLBC-11") on the re-organisation of the Civil Division of the KL High Courts. It was a lunch hour meeting with the whole KLBC present. We started at 12.30 pm and finished only at about 2.45 pm. The Learned Judge had a lot to say about our comments. There were areas where we agreed to disagree. However I must add that we understood the difficulties the Judges are facing especially the Managing Judge.

Scheduled meeting with the High Court Judges on 19.2.2003

Your PRCL committee had earlier met with the 3 heads of the various Divisions of the KL High Courts separately. We wanted to have a meeting with all 3 Divisions like we did during our last term. We wrote to the then Chief Judge, Tan Sri Dato' Sri Ahmad Fairuz, who did confirm that his Lordship would attend the meeting. However His lordship was promoted as the President of the Court of Appeal and this meeting was put on hold until after the appointment of the new Chief Judge. Thereafter, the Special and Appellate Powers Division were willing to meet but the Civil and Commercial Divisions wanted more time. So this meeting has been postponed to late March or April this year. The date of the meeting will be on one of the free dates provided by the present Chief Judge.

Justice Dato' James Foong meets members of the KL Bar on 28.2.2003

There were many issues that we feel members want to raise with the Judge directly. The Judges too have their difficulties and want members to know what is transpiring on their side. To this end we have organised a talk between Justice Dato' James Foong and your goodselves. Here you will have an opportunity to ask any question you may have on the re-organisation of the Civil Division of the High Courts and also to hear the plans of the Judiciary with regard to this system. At the time of preparing this report we have not had this meeting.

There were many other meetings with the Lower Court Judges and the High Court Judges on individual complaints and problems that I have not highlighted here.

Every member of the committee together with Mary, our Executive Secretary, have worked very hard and put in their best efforts to improve the administration of justice in Kuala Lumpur. It was a pleasure serving you with such a committee. However, this report would not be complete if I do not mention 2 important things.

Firstly, all this was made possible because of the free hand and encouragement that the Chairman of the KLBC, Mr Ragunath Kesavan, gave to this committee. On behalf of the PRCL committee and members of the KL Bar, I wish to place on record our appreciation to the Chairman of the KLBC in this regard.

Secondly, I must single out 3 members of committee who have contributed over and above that which was expected of them. On behalf of the KL Bar I wish also to place on record our special thanks to Ravindra Kumar, Teh Yoke Hooi and Abdul Rashid Ismail.

As for me, as promised, I have served 2 terms as Chairman of this committee and by virtue of your votes I have now been elected to serve you in the Bar Council. The members of the PRCL committee are able and willing to continue the work they are doing, under a new Chairman, from among their colleagues. I urge you to elect one of them into the KLBC to ensure a smooth transition and continuity in the work that they have been doing.

Jerald Gomez
Chairman
Public Relations and Court Liaison Committee

PUPILS WELFARE

Chairperson : Sa'adiah Bt. Din

Members : M Moganambal
Sanjeev Kumar Rasiah

This committee monitors difficulties and problems faced by the pupils throughout their pupillage period.

This committee had organised the "Introduction to the Committee" to be more cordial where during the meetings the pupils were divided into three smaller groups. The Committee members find that the pupils are more comfortable to discuss their problems in the smaller group which normally consist of not more than 10 pupils

THE ONGOING PROJECT OF THE COMMITTEE

1. **The Updated Handbook** that will also include the comprehensive checklist to assist the pupils throughout their Petition.
2. **Moot Competition:** The working paper of this project is yet to be presented to the KL Bar Committee.

OTHERS

In 2002, there were 593 new admissions to the Bar in Kuala Lumpur. The committee would like to thank the following members for their support by representing the KL Bar Committee at the "Long Call" proceedings: -

- Alex Chang
- Arthur Wang
- Deepinder Kaur
- Joy Appukuttan
- Loh Chien Hsiung
- Low Chooi Ping
- Mallika Lee
- Mohamad Isherafar
- Mohd Omar Hussien
- R Rajes
- Rajendra Raj
- Sarjeet Singh Sidhu
- Selva Veeriah
- Selvi Kanagasabai
- Yasmeen Muhamad Shariff
- Yokinee Selvam

Sa'adiah Din
Chairperson
Pupils' Welfare Committee

SOCIAL

Chairman : Colin Andrew Pereira

Members : Reggie Wong Mew Sum
Ivan Wong Ee-Vern
Sanjeev Kumar Rasiah
Andrew Shee
Natalie Peh

Annual Dinner & Dance

The main event of the year was the Annual Dinner and Dance held on 5 October 2002 at the Sheraton Imperial, Kuala Lumpur. This year's dinner was especially significant as it was also in celebration of the 10th anniversary of the Kuala Lumpur Bar. Approximately 500 guests including Judges and former Chairmen of the Kuala Lumpur Bar attended the function. For the first time, we produced a souvenir programme that encapsulated the achievements and events of the Kuala Lumpur Bar over the last decade. None of this would have been possible however, without the contributions and support that the committee received from the many firms and individual members.

Seminars

The committee worked together with the Young Lawyers' Committee in organising seminars for the benefit of junior members of the Bar. These seminars were priced at RM30 (lawyers) and RM15 (pupils). At the time this report was prepared, two seminars had been successfully organised, ie "*Civil Trial - Procedure and Preparation*" (by Mr T Gunaseelan) and "*Land Law and Loan Documentation Procedures*" (by Mr George Chong). Two other seminars on "*Company Law: Minority Shareholders' Protection*" (by Mr Ben Chan) and "*The Consequences of the Recent Amendments to the Bankruptcy Act*" (by Mr GK Ganesan) are scheduled for late February 2003. The seminars that have been concluded attracted a capacity crowd and it is hoped that this programme can continue with the support of the senior practitioners whom the committee relies on to present these seminars.

Children's Party

The committee hosted an end of year children's party at Sunbeams Home, an orphanage located in Taman Mawar, Kuala Lumpur on 28 December 2002. Proceeds from the seminars organised jointly with the Young Lawyers Committee were used to purchase gifts for the children. The home itself comprises of two houses for boys and girls aged between 3 to 17 years. The home relies primarily on donations from the public. Members who would like to donate foodstuffs, household items and toiletries may contact the secretariat of the Kuala Lumpur Bar Committee.

Paintball Trip to Bukit Tinggi

The trip to Bukit Tinggi was on 17 August 2002. Paintball is basically a war like game where participants are divided into two teams, the objective being for each team to capture the other side's base or flag. Participants are armed with semi-automatic guns powered by gas canisters and the "*bullets*" are actually harmless pellets containing vegetable-oil paint that breaks easily upon impact. After the game, the participants proceeded to Colmar Tropicale, a French village located nearby, for lunch.

Blood Donation

A blood donation drive was held at the Bar Room at the Lower Courts in Jalan Raja jointly with Hospital Kuala Lumpur on 15 August 2002. Unfortunately, many members were unable to donate due to a new policy that restricts persons who have lived abroad from donating. However, we received strong support from the Court staff.

End of Year Gathering

To celebrate the end of the year, the committee organised a gathering for all lawyers, which was reasonably well attended.

Colin Andrew Pereira
Chairman
Social Committee

SPORTS

Chairman : Oommen Koshy

Members : Dennis Appaduray
Christopher Foo

1. CONVENORS

The following convenors were appointed to assist the Sports Committee in the organising of the respective games : -

- | | | |
|----------------|---|-----------------------|
| i. Badminton | - | A I Nathan |
| ii. Cricket | - | Alex De Silva |
| iii. Darts | - | Koh Yew Chong |
| iv. Hockey | - | Satvinder Singh |
| v. Netball | - | Wong Keat Ching |
| vi. Soccer | - | Peter Ling/Joshua Nga |
| vii. Squash | - | Jayne Koe |
| viii. Tennis | - | Robin Lim |
| ix. Volleyball | - | Wan Nadhri |

2. ANNUAL SERIES

2.1 3rd KL/Selangor Bar Games
(Lall Singh Muker Challenge Trophy)

The 3rd Series was hosted by the KL Bar and was held at the Royal Selangor Club, Bukit Kiara, Kuala Lumpur on 14.9.2002. Selangor Bar emerged the overall champions. Results as follows:-

Game	Results
Badminton	: Won by Selangor Bar
Darts	: Won by Selangor Bar
Netball	: Won by KL Bar
Soccer	: Won by Selangor Bar
Volleyball	: Won by KL Bar

2.2 14th Annual "Sports Carnival" – KL Bar vs Royal Selangor Club (RSC)
(Tan Sri Dato' Harun Hashim Challenge Trophy)

The 14th "Sports Carnival" was held on 25.1.2003. All the games, except for squash which was played at the RSC Town Club, were held at RSC Bukit Kiara. Once again the RSC emerged the overall champions. Results as follows :-

Game	Results	Donor of Challenge Trophy
Cricket	Won by KL Bar	The late Mr RR Chelliah (<i>DD Chelliah Challenge Trophy</i>)
Hockey	Won by RSC	The late Mr GTS Sidhu
Netball	Won by RSC	Mr Max Lall Singh
Soccer	Won by RSC	Y Bhg Datuk Dr James P Ongkili
Squash	Won by RSC	Y Bhg Dato' Param Kumaraswamy
Tennis	Draw	Mr T Selvarasan
"Boat Race"	Won by KL Bar	YA Dato' Faiza Tamby Chik

3. KL BAR OPEN COMPETITIONS

- 3.1. Soccer – 15th Thayalan Memorial Cup 7-A-Side (held on 28.9.2002)
(Challenge Trophy donated by Skrine)

Champions	:	Gremio
Runners-up	:	Zizou FC

4. FRIENDLY MATCHES

- 4.1. Hockey – We sent a team of 11 players headed by our convenor, Satvinder Singh and some keen supporters to Seremban on 11.1.2003. This friendly match was hosted by the Negeri Sembilan Bar and we won 4-1. A return match will be hosted by the KL Bar this year.
- 4.2. Soccer – This was our first football match against the Shah Alam Court. Our team headed by Afifi Ahmad went to Shah Alam on 18.1.2003. We won the match 2-1 and the Shah Alam Court has requested for re-match with the KL Bar.

5. NOTE OF THANKS

We wish to place on record our thanks to all convenors for sacrificing their time and effort in organising their respective games. We also wish to thank all donors of challenge trophies for contributing towards the success of the various competitions. Last but not least we wish to thank all “sporting” members for their participation and support.

Oommen Koshy
Chairman
Sports Committee

YOUNG LAWYERS

1. The following two members of the Bar were elected from the floor during the 10th Annual General Meeting of the Kuala Lumpur Bar to the Young Lawyer's Committee 2002/2003 ("YLC"):-

Chairperson : Moganambal Murugappan
Secretary : Sanjeev Kumar Rasiah

- 1.1 The Chairperson and the secretary subsequently invited junior members of the Kuala Lumpur Bar to join the YLC in forming a committee and an informal meeting was held on 19.4.2002. The meeting was also held to obtain views from junior members as to the activities that the YLC should focus.
- 1.2 Subsequent to the meeting the following members volunteered to join the YLC to form a full committee:-

Edmund Bon	Ram Karpal
Goh Hoon Huar	Jeswynn Yogaratnam
Sonya Liew	Aliza Varughese
Amer Hamzah	

2. OBJECTIVES

The main objective of the YLC for the year under review was to organise activities for the benefit of Young Lawyers and to establish some long-term programmes for the YLC.

- 2.1 The proposed activities for 2002/2003 are as follows:-

- a. To analyse and comment on the proposed amendments to the Criminal Procedure Code;
- b. To provide an information base and guidance for young members of the KL Bar who wish to establish their own legal practice;
- c. To promote IT for Court Practice with the aim of simplifying practice for young members;
- d. To propose changes for Pupillage;
- e. To organise activities with a view to improving and sustaining good relationship between the Bar and the Bench and improving relationship amongst practitioners and with Court staff;
- f. To organise continuing legal education for young members and pupils.

3. ACTIVITIES

- 3.1 Edmund Bon and Amer Hamzah prepared a comprehensive study on the proposed amendments to the Criminal Procedure Code which also included comments and suggestions to the preliminary report by the Attorney General as well as providing suggestions on other amendments which were not included in the preliminary report.
- 3.2 The study was then forwarded to the Kuala Lumpur Bar Committee, which then adopted and approved it and forwarded the study to the Bar Council.
- 3.3 Goh Hoon Huar has compiled information and resource materials with a view to providing a database and resource centre for young lawyers who propose to establish their legal firm. These materials include a comprehensive checklist on regulation compliance, partnership agreements, office administration/management, and internal file management and accounting procedures. It is proposed by the YLC that the database and resource centre be available to members on the KL Bar website once the website is established.
- 3.4 The YLC was assigned by the KLBC to organise the Human Rights Training Workshop. The Chairperson together with Sharmila Sekaran from the Bar Council Human Rights Committee, Sam Palmer the Human Rights Research Assistant from Bar Council and Edmund Bon of the YLC were responsible in the organisation of the workshop, which was held from 13.2.2003 to 16.2.2003 at Guoman Resort, Port Dickson. The 4 day event was aimed for all practitioners who were keen to learn more about specific areas in which human rights violations are a common place in Malaysia, and which focused

primarily on practical exercises designed to improve lawyering skills in Human Rights litigation, with a focus both on domestic and international laws. 57 participants comprising of senior practitioners, young lawyers and pupils attended the workshop. 13 speakers from the legal profession and NGO's presented their papers on wide aspects of human rights issues. The YLC expresses its appreciation to the Chairperson, Sharmila Sekaran, Sam Palmer, Colin Andrew Pereira and Lim Siew Ann for their invaluable assistance and support throughout the successful workshop. The YLC also extends its appreciation to Kavitha and Rajan from the secretariat.

- 3.5 The YLC has also proposed to organise a bowling tournament with the Registrars, Sessions Court Judges and Magistrates, which shall be held in February 2003 at the Cosmic Bowl, Mid Valley. This event is to foster better relationship between junior members and the Judicial Officers of the Lower Courts as junior members predominantly practise at the Lower Courts.
- 3.6 The YLC together with the Social Committee of the KL Bar have jointly organised two talks for their continuing legal education project. Colin Pereira from the Social Committee and the Secretary of the YLC were the key persons in organising two successful talks. Mr T Gunaseelan gave the first talk on the topic of "Civil Trial: Practice and Procedure" on 28.9.2002. About 130 members attended the talk. On 16.11.2002, a talk on "Land Law and Loan Documentation Procedures" was given by Mr George Chong held at the Bar Council Auditorium. This talk was also well attended by 142 members. Two more talks are scheduled to be held in February 2003 which are "Company Law: Minority Shareholders' Protection" by Mr Ben Chan on 22.2.2003 and "The Consequences of the Recent Amendments to the Bankruptcy Act" by Mr GK Ganesan on 27.2.2003.
- 3.7 The YLC has also this year under review aimed to create some form of awareness as to the problems faced by chambering pupils. The most common complaints received were the inadequacy of Pupillage allowance. Jeswynn has attempted to create some form of awareness by contributing two articles to the Relevant newsletter published by the KL Bar titled Pupillage: A new Paradigm Part I and II. Part I dealt with allowance for pupils and Part II deals with Pupillage education and training programme.
- 3.8 The Chairperson and the Secretary attended the KL Bar Committee monthly meetings and special meetings as observers on the invitation of the KL Bar Committee. This provided an opportunity for the YLC to raise problems faced by junior lawyers and also for the YLC to partake in the activities of the KL Bar Committee.
- 3.9 The Chairperson and the Secretary also represented the KL Bar YLC to the National Young Lawyers Committee ("NYLC") of the Bar Council and attended meetings of the NYLC and actively participated in the organisation of the proposed National Young Lawyers Convention which is proposed to be held in April 2003.
- 3.10 The Chairperson and the Secretary also attended the meetings of various other committees on their invitation to obtain the views of the YLC on the activities of the committees. Such meetings were the PRCL committee meeting with members on the implementation of the Fast Track system at the KL High Court and the meeting with Y.A. Dato' James Foong and the IT committee meeting on the approval of the website for the KL Bar, tea reception with the Judges and Magistrates of the Lower Courts held at the Royal Selangor Club, meeting with the Judges and Magistrates of the Lower Courts and the meeting with Y.A. Dato' Vincent Ng as head of the Commercial Division of the KL High Court.

4. CONCLUDING REMARKS

Some of the activities proposed for the year under review are long-term projects that the YLC hopes that the incoming representatives will continue and that junior members will support these activities by volunteering their time to serve on the YLC.

5. NOTE OF THANKS

I would like to thank all the committee members who served the YLC for the year under review for the valuable contributions and their time. The Chairperson and I also extend our appreciation to the Chairman and the KL Bar Committee members for their support, encouragement and for giving the YLC the opportunity to partake in all the main Committee activities and in entrusting the YLC to organise various important activities for the year.

Sanjeev Kumar
Secretary
Young Lawyers Committee

RELEVAN

Editor : M Moganambal

Members : Colin Andrew Pereira
Sanjeev Kumar Rasiah
Cheng Poh Heng
Nicole Wee

During the year 2002/2003, two issues of Relevan were published and at the time this report was prepared, a third issue is being planned and expected to be published in early March. The editorial committee continued with its policy of allowing all views to be published except those that could be defamatory or seditious (which, there were none anyway).

The editorials were thought provoking and intended to generate discussion amongst members. The July 2002 issue of Relevan contained two editorials; the first sought to examine the state of the Judiciary and whether there had been any improvement since Tun Dzaiddin's appointment as Chief Justice. It regretfully concluded that the Chief Justice had done little to instil confidence in those who had hoped for such improvement. The second editorial was more direct and called for the resignation of the President of the Malaysian Bar, or if he refused to do so, for Council to remove him. This call came in response to the President's comments on the Federal Court's decision in Dato' Seri Anwar's appeal.

The editorial in the second issue of Relevan commented on the disgraceful conduct of Justice RK Nathan when he attacked Justice Sri Ram and by implication the two other appellate Judges of the Court of Appeal when delivering judgment in an unrelated matter. It called upon the Judiciary to decide for itself if they wished to tolerate such conduct and how it would be perceived if it did.

The editorial committee received a fair number of articles from members and it is hoped that the incoming committee will consider increasing the number of issues and improving the presentation of Relevan.

M Moganambal
Editor

LEGAL AID

THE PANEL

Jayaletchumi Rajaretnam (Chairperson)

Stanley Sinnappen (Honorary Secretary)

Ramesh Kumar Kumaraguru (Assistant Honorary Secretary)

R Kesavan

M Puravalen

Sivarasa Rasiah

Yasmeen Haji Muhammad Shariff

Ngooi Chiu-Ing

S Muhendaran

Sa'adiyah Din

N Surendran

Charles Hector

Sharmini Thiruchelvam

Francis Pereira

R Shanmugam

Noorsuhaida Kasri

Sivanesan Nadarajah

Saiful Izham

A Balakisnan

So Chien Hao

B Murugayah

Baljit Singh Sidhu

K Nachammai

M Kamalam

Mary Song

Ramlah Begum Mohamed Ibrahim

S Balasubramaniam

1. INTRODUCTION

The year 2002 has been a challenging year for the panel members of the Centre.

The attendance in some clinics show an increase in numbers as reflected in the figures below. Out of 9482 persons assisted, 5,286 were provided with representation in Court, more than 50% of the numbers assisted. This increase in the number of cases for legal representation has placed the Centre's existing pool of volunteers under pressure. This has caused the Centre to look at ways in which to increase its pool of volunteers and the Volunteers Liaison Committee was born. This committee is looking at ways to get pupils in chambers to return as volunteers at the earliest upon their admission to the Bar.

The Centre has also in the past year looked very seriously at the ways in which the pupils in chambers are prepared for their stint at the various clinics. The policy has been to ensure that all pupils undergo a 'training' but the training conducted by the various clinics differs by its style and methods of training employed and we are moving towards formalizing the training methods as well as developing and enhancing the skills of our trainers. This is a critical aspect of the delivery of the Centre's services, as it would affect the quality of services provided by the pupils in chambers. It is hoped that the Skills Development committee is successful in achieving its aims.

It is encouraging to note that the Dock Brief Clinic has commenced conducting bail applications, for which the clinic was intended to do from its inception. However the numbers of bail application is very negligible and the clinic should concentrate on conducting more bail applications.

In the past year attendance at the panel meeting has been dismal to say the least. Members were called upon to give more time to the monthly panel meetings and not only focus their attention on the individual clinics. The monthly panel meeting is the only forum where the panel members report on their respective clinics and discuss the various problems and issues arising from the clinics. It is hoped that the panel members realise that apart from ensuring that their clinics run effectively but they also have responsibility of attending panel meetings, which is just as important.

It must all be remembered that this organization is run by volunteers and whatever time that each volunteer can contribute should be appreciated.

I would like to take this opportunity to thank all volunteers who have volunteered for the activities of the Centre and the panel members who have made the past year a successful one. I would also like to the opportunity to thank Dorothy, Jessie, Mani, Chitrah, Elizabeth, Sheena, Siti, Selvi and Lina for their support and dedication to making the work carried out by the Centre a success.

Set out below is the report of the various clinics.

Jayaletchumi Rajaretnam
Chairperson

2. STATISTICS FOR THE PERSONS ASSISTED:

<i>Persons Assisted 2002</i>	<i>YEAR 2001</i>	<i>YEAR 2002</i>	<i>% INCREASE</i>
LAC Clinic	1839	1208	-34.3
Dock Brief Program	5727	6277	9.6
Syariah Clinic	Combined with LAC Clinic	68	-
Sungai Buloh Prison Clinic	794	896	12.8
Kajang Women Prison Clinic	252	206	-18.2
Juvenile Remand Home Program	153	149	-2.6
Urgent Arrest Task Force	37	2	-94.5
Outreach Clinics			
LAC/AWAM Legal Information Service	283	442	56.18
LAC's Migrant Workers Clinic	700	1143	63.28
LAC/PTF Clinic	50	44	-12
TOTAL	9835	9482	-3.6

LEGAL REPRESENTATION (OPENED FILES AND MITIGATION/ BAIL APPLICATION) YEAR 2002	
Criminal	332
Family	96
Syariah	24
Employment	20
Mitigation by Dock Brief Program	4791
Bail Application by Dock Brief Program	14
Miscellaneous	8
Land	1
TOTAL	5286

3. LEGAL AID CENTRE CLINIC

Prepared by Project Head, Ramesh K Kumaraguru

Committee Members

Ramesh K Kumaraguru
Andrew Teh
Jayaletchumi Rajaretnam
K Nachammai

Ong Chin Siong
Patrick Lim Siang Hock
Ramesh Lachamanan

As at 31 December, a total of 1208 persons were interviewed out of which 191 persons (inclusive of 26 persons from the 2001 interview sheets) were given legal representation and 700 persons were given advice only.

A total of 98 applicants were referred to other clinics, Government departments and/or other appropriate State LACs.

As for the remaining 245 applicant who were unsuccessful in obtaining legal aid, 83 persons failed the means test, 147 persons were disqualified under the jurisdictional grounds and 15 persons disqualified due to the merits of the case.

The breakdown for 191 files opened is as follows:

a) Criminal matters	-	90 files
b) Family matters	-	79 files
c) Employment matters	-	13 files
d) Land matters	-	1 files
e) Miscellaneous matters	-	8 files

The gender ratio of male-female applicants was 772 of male applicants and 436 of female applicants i.e. on the whole there was almost twice as many male applicants as the female applicants.

The Legal Aid Centre Clinic (LACC) maintained the practice of getting the assistance of pupils to interview the applicants and verification of eligibility based on means test and merits. The LACC runs from the Secretariat of the Bar Council Legal Aid Centre (KL) at Wisma Kraftangan on the 6th floor. While it is one of the main programs of the Centre, there has been a need to reduce the number of pupils allocated for the said program over the past year as the Centre faced a shortage of students (due to the CLP problem) and the need for pupils with locus in the Dock brief program. However, a total of 12 - 15 pupils are involved in any one group and they are present at the Centre from 10.00 a.m. to 5.00 p.m. from Mondays to Fridays for a period of 3 months as part of their compulsory legal aid duty.

The pupils are initially given a briefing a week prior to the one day training. These are held at the Centre by the committee members and guest speakers/volunteer lawyers experienced in the relevant field. The training includes the means test, interviewing skills and the major areas of law i.e. criminal, family and employment matters where the Centre provides legal representation and assistance.

It must be noted that although initially held separately, the Centre presently holds the briefing, training and the mid term review jointly with the Syariah Clinic pupils. This is to facilitate and enable efficient dispensation of the pupil's function as the clinics are run simultaneously at the Centre.

The pupils' duties include interviewing walk-in clients, conducting the means test and giving advice where required and appropriate upon due clarification with a senior / volunteer lawyer (VL). The pupil also advises on the opening of files where legal representation is required (whether on an urgent basis or otherwise).

One serious continuing problem is the lack of qualified Volunteer Lawyers (VL) being physically present at the Centre to supervise the pupils. Presently the Centre has had no alternative but to seek the assistance of lawyers who are willing to be telephoned at their respective office or hand phone, as the case may be. While at one hand it appears to solve the problem of assistance, it has contributed to the increase in the phone bill at the Centre! Needless to state that whether on a "on call" basis or otherwise, we certainly require more volunteers from the KL Bar to come forward and serve at our clinics as supervisors.

Besides the normal functions of the LACC, on 14 July 2002, the LACC together with People's Progressive Party (PPP) organised an outreach clinic at Sentul. Although the intentions and ideas were worthy, the outreach clinic was not very successful in terms of turnout and actual reaching the potential clientele. However, the LACC is indebted to the support shown by the numerous Volunteer Lawyers who made themselves free despite it being held on a Sunday afternoon.

In the mean time and in view of the future activities, this committee is presently looking into the training module to facilitate a more structured and systematic approach. The Committee hopes to formulate a more inter-active module stressing on the interviewing techniques and if possible on role-play. The Committee hopes that a better-formulated training would help the pupil in handling clients more efficiently and intelligently.

Lastly and most importantly, the Committee and in particular the Project Head wish to express their appreciation and thanks to all the staff of the Centre. Special mention is in store for Ms. Sheena who has largely contributed to the effectiveness and efficiency of the Legal Aid Centre Clinic of Kuala Lumpur.

4. DOCK BRIEF PROGRAMME

Prepared by Project Head, Baljit Singh Sidhu

Committee Members

Baljit Singh Sidhu - Project Head

Mr Hanif bin Hashim

Mr Kamarul Zaman Hj Abdul Rahman

Ms Mary song
Cik Ramlah Begum
Mr Suresh Danapala Singam

The Dock Brief committee has taken special care in implementing the dock brief program, which involves the training of pupil in the area criminal representation in Court. In the first 2002 applications to join the Dock Brief programme were very encouraging.

Table below shows the cases handle by the pupils participating in the Dock Brief program wishes to thank all the officers for their cooperation.

	2000	2001	2002
Advice given	1243	1147	1916
Bail application	21	10	14
Advice Representations & Mitigation	2774	6	4344
Files Opened	12	6	3
TOTAL	4050	5727	6277

In general, the figures show an increase in the number of cases handled by the pupils significance is the number of advice given, which rises significantly to 1916 just in the year of 2002. However, in the area of bail applications, participation of the pupil remains low. The committee views this disparity in this area allocation seriously and has taken steps to remedy the situation. Pupils are encouraged to give additional attention to bail application and to inform the persons charged and the family members the importance of bail. The Committee hopes that by year and more pupils will have the chance to participate in bail applications.

The Committee has had various impromptu meetings with the Magistrate's, the prosecutor officers and the police officers in charge of the lock ups and Court with view to smoothen the process of representation. The Committee wishes to thank all the officers for their cooperation.

Despite the high number of pupils signing up for the programme, so many have yet to obtain to appear before the Magistrate's, as a result, many cannot participate directly in the programme representation.

The Committee has taken special care and attention on behaviour and discipline among especially the correct Court decorum. In general, the attendance has improved and the Committee has received very few complaints.

The members of the Committee, in order to avoid duplicity has allocated special tasks to members as follows:

1. Project Head - Baljit Singh
2. En. Hanif bin Hashim - to coordinate with prosecuting officers to obtain feed and complaints.
3. Kamarul Zaman bin Hj Abdul Rahman - to coordinate with the Magistrates and to receive feedback and complaints.

The Committee has had various meetings to improve the programme and to pupils' performance, discipline and attendance. All complaints, shortcomings were addressed at the meetings. Efforts are continuously made to improve the programme.

Dock Brief pupils Batch 28 & 29 also had a get together session with Prosecuting Officers with Dock Brief Committee Members at court premises.

On the 25 October 2002, Sessions Court Judge and Magistrates came to Legal Aid Centre and gave short talk / discussion to chambering students on the procedure and ethics of court. This discussion will be held more frequently in the year to come and the response was very good.

The Committee wishes to thank all involved in the programme who had contributed ideas, time and effort in making sure that the programme would be beneficial to the pupils and the accused persons alike.

5. LEGAL AWARENESS PROGRAM (ORIENTATION)

Prepared by Project Head, Charles Hector

Committee Members

Charles Hector - Project Head
N Surendran - Alternate Project Head
Stanley Sinnappen
Sharmini Thiruchelvam
Salbiah Ahmad
Brian Law
Marlene Blanche Culas

Objectives

- To assist pupils and lawyers to discover and determine their role and responsibility as lawyers (and members) in the Malaysian society
- To develop a sense of social obligation and a concern for human rights, rule of law and questions of justice.
- To generate an awareness and understanding of the structural problems in the social, economic and political framework which create the need for legal and extra-legal interventions.
- To instill and develop long term commitment towards legal aid and access to justice, which will go beyond the compulsory 14 days of legal aid during pupillage.
- To develop lawyers that will "...uphold the cause of justice without fear or favour...." And also a sense of belonging to larger family of lawyers, i.e. the LAC, the KL Bar Committee and the Malaysian Bar.

Programmes

- A. Orientation Programme For Pupils
- B. Social & Legal Awareness Talks
- C. Training for the Facilitators
- D. Training for Lawyers

1. Orientation Programme

Content of program

- Introductions & Ice Breakers
- Value/Priority Analysis,
 - Individual and Group
- Malaysian Reality, Critical Evaluations and Reforms
- The Role/Response & Expectations of Lawyers),

Alternative: Understanding of Human Rights, HR in the Federal Constitution, Reality of Rights in Malaysia – Role and Responses of Lawyers

- What is Legal Aid? Relation between Legal Aid and Human Rights (60 min),
- Conclusions and Collective Resolutions (30 min).

Methodology: - Participative

We encourage participants to actively share their thoughts and opinions, and to learn from one another's own knowledge.

The participative methodology – promotes the sharing and summing up of knowledge as a group, where the sources of knowledge is from the individuals own experience and knowledge (a little input is given to fill up some of the gaps.)

In contrast, the banking methodology – assumes that participants are like empty glasses waiting to be filled with the knowledge from the "jugs filled with knowledge" who are resource persons.

Tools: - Group Dynamics, General Discussion and Brief Inputs.

As at 31 December 2002, 10 successful sessions were held for the chambering pupils. A total of 640 pupils attended these sessions and participation of the pupils was good.

Based on evaluation, pupils attending the orientation session have been made aware of the fact that there are a lot of impoverished, needy and helpless people who are in need of legal awareness, legal advice and also legal representation and that there are insufficient lawyers to lend a helping hand and offer their services without expecting anything in return. The pupils are more aware of the term "duty to society" as specified clearly in the Legal Profession Act.

B/C/D – are programmes that we hope to be able to organize in the future.

Other plans for the year include the following:

- To organise talks/forums on Social Issues as well, as on legal matters – these talks will be organised for pupils, lawyers and where appropriate also members of the public.
- To organise Training Program for Lawyers

SHORTCOMINGS & SOLUTIONS

1. The Orientation Sessions requires persons to be trained as **facilitators**. It is not only the skills that need to be imparted, but more importantly, what is needed are persons who have the correct values, concern for justice and human rights.
2. At present several persons are being trained as facilitators. But it must be remembered training is a long process. The "new facilitators" are now undergoing hands-on trainings. They conduct parts of the sessions, and thereafter time is spent evaluating their performance and suggesting improvements to them.
3. The number of pupils registering at the Centre is inconstant – hence, at times we find that there are either too few or too many students per session; the ideal number being 45-60.
4. The committee is presently allotting pupils into the various Legal Aid Clinics, after the pupils attend the Orientation Sessions. It is proposed that the following changes be made: -
 - a) When pupils register at the Centre, they will be handed the brief points about the various different LAC clinics.
 - b) To clarify what is done in the different clinics, pupils will be advised to talk to the appropriate Legal Aid Centre staff, and also other pupils/lawyers who have participated in the said clinic.
 - c) Pupils will be asked to immediately fill up, and return the form with their preferences within seven (7) days directly to the LAC;
 - d) Thereafter, the Committee will allocate the pupils to the various LAC clinics & inform the pupils by letter.

It is hoped that this new approach will be more efficient and effective.

5. Volunteers for the committee are many, but when meetings are called for, the number who attend are few.
6. The solution may be in having a session to develop the orientation skills and approach of the members of the committee and the new facilitators (a weekend session is being considered.)
7. **Facilitators Manual** - Mr Charles Hector has worked out a detailed Facilitators Manual for the Orientation Session. This comprehensive manual makes it fairly easy for facilitators to conduct the sessions. The Manual will be further developed.

End Note

As at 31 December 2002, 10 successful sessions were held for the chambering pupils. A total of 640 pupils attended these sessions and participation of the pupils was good.

Special thanks to all those who gave their time during working hours to help in the facilitation of the orientation sessions, in particular Mr Stanley Sinnappen, Ms Marlene Blanche Culas, Mr Brian Law and Ms Sharmini Thiruchelvam.

Special thanks should also be extended to the very efficient Ms Sheena, the Legal Aid staff assigned to this Committee, for the time and effort put into the programmes of this committee.

Special thanks also to Mr N Surendran, for without his support and continuous encouragement this committee would not have achieved what it has done to date.

Special thanks also to Ms Jayaletchumi Rajeretnam and the Management Panel of the Legal Aid Centre, Mr Ragunath Kesavan and the KLBC for the support they have given to this committee and its programs throughout the year 2002, and we hope that this support will continue to grow in 2003.

6. SUNGAI BULOH PRISON CLINIC

Committee Members

Sivanesan Nadarajah – Project Head
S Muhendaran
Ramesh Lachmanan

A Balakisanan
M Kamalam

Introduction

The Sungai Buloh Prison Clinic started its operation since December 1997. The objective of the clinic is:

- (i) to provide legal services to remand prisoners at the Sungai Buloh Prison
- (ii) to improve the level of competency of lawyers (chambering students)
- (iii) to look into ways and means of reducing the number of remand prisoners at Sungai Buloh Prison;
- (iv) to ensure that there is sufficient pool of volunteer lawyers to provide legal advise
- (v) to ensure that an effective following mechanism is in place at Sungai Buloh Prison to monitor the progress of matters handled by the clinic

Implementation

To achieve the above aim, pupils are rostered for duty every alternate Saturday for a period of three months to visit the Sungai Buloh Prison to interview remand prisoners. During each term, the pupils are trained and provided with training manuals, which contains information on the courts, guideline on common offences and other relevant information. A team of 20 pupils and 2 volunteer supervisors interview an average of 60 detainees each session. The pupils also do follow up action at the Centre based on the interviews conducted. The follow up actions are as follows:

- contacting family members on matters related to bail
- referring relevant cases to the Dock Brief Programme
- referring cases from other states to the respective state Legal Aid Centre
- referring capital offences cases to the Court Assigned Counsel Scheme
- liaising with volunteer lawyers on the status of files

Strength & Weakness

From 1 January 2002 - 31 December 2002, the clinic has reached out to 896 remand prisoners. Out of 896 persons interviewed only 89 files were assigned to volunteer lawyers to represent the accused in the court. 373 cases were referred to the Dock Brief Programme for mitigation and bail application. 245 cases were referred to the other state Legal Aid Centres and only advice was given to the remaining 189.

The clinic is also facing some shortcomings in the quality of services provided to the remand prisoners in the following scope:

1. Pupils' inability to extract proper facts from the detainees, facts not in order and Interview Sheets not completed
2. Pupils' inability to give adequate advice to the detainees
3. The Centre is unable to cope with the number of cases to be assigned to volunteer lawyers for court representation due to the shortage of volunteer lawyers
4. The Centre seldom gets feedback on the cases referred to the other state Legal Aid Centre

Recommendation

The clinic should look into the long-term objectives of the programme: -

- to reduce the number of remand prisoners among the lower income segment of society;
- to ensure that remand prisoners do not remain in Sungai Buloh for more than three months

- to ensure that remand prisoners obtain proper advice to enable them to make an informed decision
- increase cooperation and liaison with the authorities.

7. KAJANG WOMEN PRISON CLINIC
Report submitted by Ramlah Begum

Committee Member
Ms Mabel Yong

Introduction

The clinic was launched two and a half years ago. The objectives of the clinic was to provide the inmates of the Kajang Women Prison from the northern and southern region with the following:

- (a) providing legal advice on each individual cases;
- (b) providing information to the inmates;
- (c) providing legal representation on the options available to them as these detainees are normally those whom are in remand and
- (d) providing moral support and encouragement as these detainees would not have seen anyone apart from the Prison officials and the other inmates at the Prison and they would have been lost as to what will transpire.

Others

The Centre also contacts the respective Embassies to inform them of the presence of the foreign remand prisoners of their respective countries at the prison for their necessary action and also the Centre refer cases involving inmates from other states to the respective Bar Council Legal Aid Centre to enable them to do the relevant follow up.

Number of cases attended

Persons Approached	206
Referred to Dock Brief (Mitigation & Bail Application)	74
Cases Assigned to Counsel	16
Referred to other State Legal Aid Centres	7
- Melaka	36
- Johor Bahru	13
- Kuantan	39
- Selangor	21
Advice only	

Advantages

The main strength of the clinic is in the working together of the parties involved namely the Legal Aid Centre in running the clinic especially the supervisors, the pupils and the Kajang Women Prison Authorities. Both the parties have worked together for nearly two and half years to provide legal assistance to the inmates of the prison whom otherwise would be unrepresented and are not given an opportunity to see that justice is being done.

A meeting was arranged between the Project Head, the Committee member of the clinic and the Prison Officials on the 13 September 2002 to discuss further on the running of the clinic and also to find ways to improve the clinic.

Shortcomings

As in all other clinics, this clinic does have its own weaknesses namely:

- (a) inability of the pupils to extract proper facts from the inmates and taking down too much inaccurate information;
- (b) lack of training and exposure;
- (c) lack of follow-up on the interviews due to:
 - (i) insufficient feedback from the respective State Legal aid Centre on the cases passed to them (this issue was addressed by the National Legal Aid Committee with the other State Legal Aid Centre and a guideline structured in the form of a letter to be passed by the Chairperson has been prepared for all the Centre's to

- adopt
(ii) insufficient number of lawyers willing to handle remand cases

Recommendations

1. More exposure and training to be given to the pupils
2. To have frequent meetings with other State Legal aid Centre to improve the clinic so as to enable it to assist the general public
3. To recruit more volunteer lawyers to assist in handling of the cases
4. To make recommendation and reform law, relating to the conditions of the remand inmates.

8. LAC/AWAM LEGAL INFORMATION SERVICE CLINIC

Report submitted by: Sharmini Thiruchelvam (Project Head)

Committee Members:

BCLACKL

Sharmini Thiruchelvam
R Shanmugam
Jayaletchumi Rajaretnam
Sharmini Selvarajah
Vasandi Kandasamy
Chuah Siang Chin

AWAM

Pushpa Ratnam
Manohari Subramaniam
Chen Lee Ping

a) Follow Up Actions for the Section 51 Law Reform (Marriage & Divorce Act), 1976 Workshop held 20 June 2001

This LAC/AWAM sub committee Sec 51 headed by Jayaletchumi Rajaretnam, Manohari Subramaniam and Pushpa Ratnam. This committee's responsibility includes preparation of the report of the workshop, memorandum and project report.

Meetings were held for Sec 51 sub committee on 22 May 2002, 29 May 2002, 11 June 2002 and 26 June 2002.

The committee had discussion with the Ministry of Women and Family Development, Kuala Lumpur on the 16 December 2002 (Monday) at 9.30 pm. At the said meeting representatives from AWAM, BCLACKL and Women's Ministry came to an agreement. They have decided to hold another sub committee meeting at the Ministry on the 7 January 2003 and tentative fixed the date for the consultation of Sec 51 on the 8 April 2003.

The report of the workshop has been finalised and given to the Women's Ministry.

b) Rape Law

In May 2002 AWAM held a training of trainers, which, was attended by our Chitrah Rajandren and Nor Hazlina (staff of the Centre). It was a three-day training sessions held from 17 May 2002, 18 May 2002 and 19 May 2002 at Petaling Jaya La Salle Hall.

At the training, focus was on group dynamics, understanding Gender and Sex, understanding definitions and theories of rape, myths and facts, understanding violence against women using rights framework, case study, support system, and laws relating to rape- Penal Code and the Court System.

c) Pupils Program

NO	PROGRAM	1 ST TRAINING by LAC	2 ND TRAINING by AWAM	3 RD TRAINING on syariah	MID TERM REVIEW	END TERM REVIEW
1	04/02/01 – 03/05/02	31/1/02	8/2/02	9/2/02	14/3/02	-
2	29-04-02 – 26-07-02	4/5/02	24/4/02	3/5/02	11/6/02	18/7/02
3	22/07/02 – 18/10/02	25/7/02	17/7/02	23/7/02	3/9/02	10/10/02
4	14/10/02 – 10/01/03	10/10/02	8/10/02	-	26/11/02	7/1/02

d) Outreach Clinic

Prior to the outreach clinic a sub committee meeting were held to finalised logistic, program, role-plays, speakers etc on the 4 October 2002 at 1.20 pm at Bar Council Legal Aid Centre (Kuala Lumpur).

The committee held the 2nd outreach clinic at Rumah Panjang, Jinjang Utara Kuala Lumpur on the **27 October 2002 (Sunday)** from 9.00 am till 2.00 pm at Resident Committee Office, Jinjang Utara, Kuala Lumpur.

AWAM volunteers did role-plays on the meaning of registration and domestic violence. After each role-play, speaker would speak on the meaning of registration and domestic violence act.

BCLACKL lawyers spoke on issues pertaining to meaning of Registration to non-Muslim, Housing Rights and AWAM representatives spoke on the Domestic Violence Act.

The communities organised a field trip to the affected area where the new settlement had been built by the developer. The condition of the houses were deteriorating and unfit for people to live on.

Overall there were 15 lawyers, 3 BCLACKL staff, 4 AWAM volunteers attended the sessions. And there were 40 participants attended the 1st session and after the housing rights talk there were only 10 participants sat for the overall session. The event was successful though there were many improvement could be made for the next session.

e) Statistics

Below are the statistics of advice/assistance rendered between **2 January 2002 till 31 December 2002**.

NO	MATTERS	WALK IN & TELEPHONE CLIENTS
1.	ASSAULT	2
2.	ACCESS TO CHILDREN	1
3.	ADOPTION	4
4.	ANNULMENT	1
5.	BREACH TO PROMISE MARRY	1
6.	BANKRUPTCY	3
7.	CIVIL	9
8.	COMMITAL PROCEEDINGS	2
9.	COUNSELING	5
10.	CONVERSION	1
11.	CRIMINAL	1
12.	CUSTODY	31
13.	CUSTODY/MAINTENANCE	5
14.	DIVORCE	200
15.	DOMESTIC VIOLENCE	27
16.	EMPLOYMENT	16
17.	ENFORCEMENT- MAINTENANCE	3
18.	EPF	1
19.	FAMILY PROBLEMS	12
20.	NUISANCE	1
21.	HOUSING/TENANCY	2
22.	IMMIGRATION	4
23.	INTERIM CUSTODY	1
24.	JUDICIAL SEPARATION	10
25.	LEGAL PROFESSION ACT	2
26.	MAINTENANCE	34
27.	MATRIMONIAL PROPERTY	5
28.	MIGRANT WORKERS	1
29.	PENSIONS	2
30.	PROPERTY	7
31.	PROBATE	2
32.	REGISTRATION OF MARRIAGE	2
33.	RELIGION	2
34.	RAPE	3
35.	RAPE- STATUTORY	1
36.	MOLEST	1
37.	SEXUAL ABUSE	1
38.	SEXUAL HARASSMENT	1
39.	SYARIAH	27
40.	SHELTER	5
41.	VALIDITY OF MARRIAGE	1
42.	WELFARE CASES	2
	GRAND TOTAL	442

Below are the statistics of files opened for legal representation from 2 January 2002 till 31 December 2002.

NO	MATTERS	TOTAL
1	DIVORCE	14
2	CUSTODY	1
3	MAINTENANCE	1
4	CUSTODY & MAINTENACE	1
	TOTAL	17

f) Legal Officer

AWAM has obtained a grant for the funding of a contractual legal officer. The legal officer was selected after numerous interviews conducted by both the BCLACKL and AWAM personnel and Ms Pushpa Ratnam was appointed on the 1 April 2002.

She is currently overseeing the LAC/AWAM Legal Clinic on pupils' affairs, law reforms such as Sec 51 of the LRA, Rape etc. She is also looking into revamping the manual on family law other cases, which the Legal Clinic handles.

9. SYARIAH CLINIC

Report submitted by Project Head, Noor Suhaida Kasri

Committee Members

Noor Suhaida Kasri – Project Head
 Fahda Nur
 Norhusniah Husin
 Nik Nurul Atiqah Nik Yusof

Haslinda Sakhroni
 Zulkifli Mohamed
 Hazli Mat Husin

The figures below reflect the clients that Bar Council Legal Aid Centre Kuala Lumpur handled in Syariah matters: -

Syariah clients total no. of applicants	68
Files opened (5 files from 2001 applicants)	23
Sought advice only	37
Advice - referred to Biro Bantuan Guaman	4
Advice - referred to other LACs	1
Disqualified	7
No Jurisdiction	1

The Syariah Clinic was introduced to provide legal service to affected parties in the Syariah Court. To enable a person to derive benefit from the clinic she or he would have to fulfill the criteria laid down by the Centre. It is our utmost belief that there is a need for us to provide this service to anyone who falls within the means test as well as to protect his or her interests in the Syariah Court.

The Syariah Clinic operates from the Secretariat and open to members of public from Monday to Friday 10.00 am - 4.30 pm. The Syariah Clinic at the Centre is manned by pupils in chambers completing their legal aid service, which is part of the Bar Council Ruling in Legal Aid Service. Each pupil is on duty once a week over a period of 3 months.

The pupils in chambers are given a half-day training focusing on Syariah Civil and Criminal Law and Procedures. They also undergo a one-day training with Legal Aid Clinic providing basic training in interviewing techniques as well as discussions on criminal, employment and family law.

The LAC Clinic runs alongside the Syariah Clinic. Besides interviewing syariah clients the pupils also assisting in interviewing civil client. The pupils, with the help of the volunteer lawyers, have been able to advise the clients who approached the clinic for advice. Nonetheless, the number of our clients is still small as compared with other clinic.

The Committee had organised a discussion session titled 'Ex-Parte Application and Interim Order at Syariah Court' on 30 March 2002 (Saturday). The speakers were Tuan Hj Naim Mokhtar (Syariah Lower Court Judge of Wilayah

Persekutuan), Prof. Madya Dr. Zaleha Kamaruddin (Lecturer of Law, UIA) and Mr. Abdul Razak Muhidin (Advocates & Solicitors, Syarie Practitioners) and the moderator for this session was Mr. Muhammad Bin Burok (Advocates & Solicitors, Syarie Practitioners, Chairperson of Persatuan Peguam Syarie Malaysia). The participants were from government organisations, PDRM, academicians, and representatives from NGOs, pupils and lawyers.

We would like to take this opportunity to thanks the Management Panel, Staff of Legal Aid Centre, Syariah Committee members, the participating pupils and also volunteers participating pupil for their interest and commitment in making the Syariah Clinic smoothly run.

10. AUDIT & QUALITY CONTROL COMMITTEE ("AQC")

Report submitted by Project Head, Ngooi Chiu-Ing

Committee members: -

Ngooi Chiu-Ing (Project Head)
A. Balakisan (Alternate Project Head)
Mohd Nazhan Noordin
Rashad Khan Sadar Khan
Kong Su Yin
Ong Wai Leong

Aims of the program

Our clients are the needy and marginalised, who have no one else to turn to, and we should provide them with the best service possible. The program aims to help upgrade and ensure the quality of the services delivered to the clients of the Bar Council Legal Aid Centre (Kuala Lumpur).

Activities

Activities conducted by the Audit & Quality Control Committee for the 2002 include audits of: -

- | | | |
|------|------------------------------|------------------------------------|
| i) | Legal Aid Centre Clinic | 5 July 2002 |
| ii) | Dock Brief Program | 23 July 2002 and 20 September 2002 |
| iii) | Legal Aid Centre Secretariat | 5 July 2002 |
| iv) | Dock Brief Training | 19 October 2002 |
| v) | Sg. Buloh Clinic | 23 November 2002 |
| vi) | LAC/AWAM Clinic | 18 September 2002 |

The Committee had appointed a new Project Head and new committee members after the review session in April 2002.

Shortcoming

Implementation by committees of recommendations – need for follow-up and enforcements by the Panel.

Future Plans

- At least one audit per month of a program/clinic
- At least one audit per cycle of Training Programs
- Review summaries of orientation and training evaluations, and make recommendations.

In concluding the above, I would like to take this occasion to thank the management panel, volunteer lawyers, supervisors, legal aid staff and lastly the AQC committee members.

11. LEGAL AWARENESS PROGRAM (PREVIOUSLY KNOWN AS LEGAL LITERACY PROGRAM)

Report submitted by Project Head, Ngooi Chiu-Ing

The Legal Awareness Program ("LAP") seeks to inform the members of the public of their rights through printed publications and reach-out programs.

Our aims are the following:

- That armed with better knowledge, members of the public can better protect their rights, either on their own or by seeking assistance from other persons.
- To answer most frequently asked questions so that members of the public may not need to seek assistance from others or go to the inconvenience of coming to the LAC.

Publications have been prepared/pending this year are as follows:

- A leaflet on "Arrest and Bail" (already in the four major Malaysian languages) has been translated into Bangladeshi by Tenaganita, who will arrange for it to be published.
- Leaflets on "Divorce and Marriage Problems" and "Domestic Violence" (already in English) are being translated into Bahasa Malaysia, Chinese and Tamil.
- An leaflet on Syariah Law in English and Bahasa Malaysia has been prepared and is awaiting publication;
- A basic Family Law and Domestic Violence leaflet.

We have prepared a Website Report which will be available on the KL Bar Committee website. Publications targeted for those more privileged, have been also included in the website and will only be in on-line form.

Other plans for the remainder of the year include the following:

- Dissemination of the printed publications and materials.
- Increase public awareness through outreach clinics, seminars and talks.

12. SKILLS DEVELOPMENT PROGRAM

Report submitted by Project Head, Ngooi Chiu-Ing

Committee Members

C I Ngooi
Janice Lim
AWAM
Tenaganita
All Project Heads

The Committee aims to develop/enhance skills of trainers and pupils to ensure the quality of service delivered to clients.

Goals:

- Equip pupils with adequate skills and exposure.
- Rationalise training for the various programs to avoid duplication/overlap.
- Improve quality of training, including the trainers skills

The Committee works with the Audit & Quality Control Committee which audits training (including trainers) and projects, which identifies areas of weakness and offers suggestions for improvement. A quality audit has been conducted of the Dock Brief Training Program.

"Tips for Trainers" have been distributed to trainers to assist trainers in more effective presentations.

The Committee identified the problematic areas in the current training programs such as:

- Poor attention from pupils – possibly caused by long hours of training in one training day, large training groups and lecture-style training with scanty audio-visual aids
- Lack of discipline of pupils - pupils not reading their manuals prior to the training programs though manuals have been distributed to pupils as reference guides and to reduce training duration
- Shortage of trainers
- Trainers not sufficiently trained in training
- Insufficiently structured training and overlap between trainers
- Lack of audio-visual aids.

The Committee currently looking into various other methodologies to enhance current training programs such as:

- Combined training – done with the LAC Clinic, Syariah Clinic and AWAM to avoid duplication and overlaps
- split training sessions to be half-days instead of full days
- pre-training tests on materials in training manuals with best (and worst?) results to be announced

- more active recruitment of trainers
- training for trainers
- more interactive training programs between pupils and trainers with greater emphasis on role-plays for skills development and training on law for all programs
- Compilation of training modules for all LAC programs. Project heads have been asked to provide syllabuses.
- preparation of Power-Point visual aids.

Shortcomings: Poor cooperation from and attendance of Project heads at meetings.

13. JUVENILE TASK FORCE COMMITTEE

Committee Members

Mr Ravi Nekoo
Ms K Parameswary

JUVENILE REMAND HOME PROGRAMME

The Juvenile Task Force Committee (JTFC) has since early last year conducted 18 interviews at Asrama Sentosa Sentul, Asrama Bahagia and Sekolah Tunas Bakti Sg Besi.

The interviews are conducted on working Saturdays and are also subject to permission being obtained on a weekly basis and the availability of juveniles to be interviewed.

As a result of the 18 interviews, a total number of 149 juveniles were interviewed from the above 3 homes and 134 files opened by the Centre.

Below is the table providing a breakdown of the offences committed: -

<i>Types of offences.</i>			
Charged Under Sec.	No. Juveniles	Charged Under Sec.	No. Juveniles
Sec 6 / 7 Immigration Act	4	Sec.379A pc	45
Sec. 7 (1) a (EOW)	1	Sec.392 pc	13
Sec. 6 DDA	6	Sec. 395	4
Sec.12(2) DDA	3	Sec. 46(2) Child Act	2
Sec.12 (3) DDA	3	Sec.397	9
Sec.39A DDA	6	Sec.411 pc	39
Sec. 25 (1) (PPN)	18	Sec.447 pc	4
Sec. 41 (1) APJ	1	Sec. 448	4
Sec. 324 pc	1	Sec. 453	5
Sec.354 pc	2	Sec.454 pc	2
Sec. 378	1	Sec. 456 pc	2
Sec.380 pc	8	Sec. 457 pc	9
Sec 379 pc	19	Sec 6 DDA	6
Sec 46(1) Child Act	1	Sec 318 pc	1
TOTAL			219

In July, JTFC wrote to Jabatan Kebajikan Masyarakat (JKM) to meet up with the Pengarah and the heads of the homes to discuss further activities and feedback from the department. An appointment was fixed but later cancelled

by the department as the Pengarah had to attend an urgent meeting. JTFC is still awaiting a new date for the proposed meetings.

The chair of JTFC has on several occasions participated in Legal Literacy Programmes run by Bahagian Hal Ehwal Undang-Undang, JPM for boys and girls under 18 by presenting a paper and conducting workshops on the Convention on the Right of the Child. A total of 450 boys and girls have attended the programme through out last year.

BCLACKL recently appointed a voluntary lawyer to represent a 14-year-old boy who was held in remand in Kajang prison and later sent to Hospital Bahagia for observation for the murder of a 6-year-old girl. The case has now been transferred from Ampang Sessions Court to the Shah Alam High Court.

On 22nd November 2002 during the Fasting Month the JTFC organised a "Majlis Berbuka Puasa" at Asrama Bahagia Kampung Pandan. As usual, participation from lawyer was disappointing.

JTFC is planning to meet up with the Pengarah of Bahagian Hal Ehwal Undang-Undang, JPM and consider new approaches to juvenile justice problem.

14. LAC'S MIGRANT WORKERS CLINIC

Report submitted by Project Head: Mr S Muhendaran

Committee Members

Mr S Muhendaran

Ms Aegile Fernandez

The receiving of workers from overseas to work as contract labourers for a fixed period of time had a long history in our country. Rapid economy development over the last decade made Malaysia an attractive option for workers from the region especially Indonesia, Philippines, Bangladesh, Myanmar, Thailand etc. With increasing numbers these workers because a sector of our society which we cannot ignore.

Being in foreign land made them vulnerable to various 'alien' living and working conditions of the receiving countries. The aim of the Migrant Workers Clinic is to provide legal assistance and advise to this marginalised group.

The Migrant Workers Clinic working jointly with Tenaganita's Migrant Desk addresses complaints by workers, which include fraud by employers and agents, unpaid wages, unfair dismissals, migrant workers being arrested for failing to produce valid documents which are invariably held by their employers etc.

Pupils in chambers, who undergo the compulsory 14 weeks duty, staff the Clinic at Tenaganita. 10 - 15 pupils per batch is assigned to this programme.

The pupils on duty undergo a two-day training conducted by Tenaganita. They are provided training in documenting, lodging of police reports, and drafting letters to relevant government departments, filing of complaints at the Labour and Industrial Relation Department. They also handle negotiations with employers in wage disputes and other matters.

Migrant Workers Clinic has assisted 1143 complainants for the year 2002 pertaining to cases such as violation of Employment Act and Employment contract, failure of employer to renew the work permit, stranded migrant workers in Malaysia, cheated by false recruiting agents, arrest and detention, theft of money and personal belongings, passport stolen, accidents at work places (Industrial Accident) and etc.

A total of 7 files were opened at the Centre for further legal representation.

Breakdown of these 7 cases are as follows: -

- i) 4 cases - Labour Court Subang, Selangor
- ii) 2 cases - Labour Court Kuala Lumpur
- iii) 1 case - Labour Court Rawang, Selangor

15. BCLACKL/PTF LEGAL INFORMATION SERVICE 2002
Report submitted by So Chien Hao (Project Head)

Consultant

Mr R Kesavan

Committee Members:

BCLACKL representatives

Ms Preetam Kaur (Alternate Project Head)
Mr Loh Wei Leong
Ms Irene Yong

PT Foundation representative

Mr Hisham Hussein (Chairperson)

The BCLACKL (BCLACKL) is a joint project between The Bar Council Legal aid Centre Kuala Lumpur (BCLACKL) with P T Foundation to provide potential legal advice and referral services to PTF's marginalized communities, namely, drug users, sex workers, people living with HIV/AIDS, transsexuals and gay men and lesbians.

The BCLACKL/PTF Legal Information Service Clinic reached out to the six communities and also to the other member of public surrounding the Jalan Ipoh, Kuala Lumpur. The Clinic is situated at No 7C-1, Jalan Ipoh Kechil off Jalan Raja Laut, Kuala Lumpur. The Clinic is open to all members of the public especially the above said communities in particular on 3rd Saturday of every week from 3.00 pm till 5.00 pm which was changed due to the unavailability of the supervisor lawyers to reach at PTF on Fridays as the original days. A BCLACKL volunteer supervisor would be present at this clinic throughout the session assisted by a BCLACKL staff with PTF representatives.

About the Clinic and the committee.

A) BCLACKL/PT FOUNDATION LEGAL INFORMATION SERVICE CLINIC

The Legal Clinic were currently manned by 4 qualified lawyers, So Chien Hao, Preetam Kaur, Loh Wei Leong and Irene Yong rotate monthly among themselves. The below are the monthly clinic conducted for the year 2002

<u>No</u>	<u>Legal Clinic</u>	<u>Client Attended:</u>	<u>Theme:</u>
1.	22 March 2002 (Friday)	10 clients	Criminal Law in general Speaker: Mr So Chien Hao
2.	19 April 2002	4 clients	Identity Card, Birth Certificates Speaker: Ms Preetam Kaur
3.	17 May 2002 (Friday)	6 clients	Sec 27 Syariah Criminal law Speaker: En Zaidi Zain
4.	22 June 2002 (Saturday)	Close	Close
5.	17 August 2002 (Saturday)	3 clients	Supervisor: Mr So Hien Hao
6.	21 September 2002 (Saturday)	8 clients	Supervisor: Ms Preetam Kaur
7.	27 October 2002 (Sunday)	10 clients	Supervisor: Mr Loh Wei Leong
8.	23 November 2002 (Saturday)	1 client	Supervisor: Ms Irene Yong
9.	21 December 2002 (Saturday)	2 clients	Supervisor: Mr So Chien Hao

B) BCLACKL/PT FOUNDATION REFRESHER COURSE FOR PTF TELEPHONE COUNSELORS & VOLUNTEERS

The committee had successfully conducted with PT Foundation a refresher course for their telephone counselors and volunteers on the **15 December 2002 (Sunday)** at Bar Committee Seminar Room from 8.30 pm till 5.30 p.m. PT Foundation's telephone counselors and volunteers attended the refresher course.

The refresher course entails 3 sessions. The 1st session was the counseling techniques trained by Mr Lim Soon Heng and the 2nd session did Dr L H Tan conduct HIV/AIDS. The 3rd session was legal aspects as So Chien Hao covered the issue of Rights of the Gay Men and Arrest and Bail. Whereas, Loh Wei Leong conducted Sec 377 of the Penal Code, Preetam Kaur briefed Aids- mandatory testing/confidentiality between doctor and Aids patients Irene Yong conducted issues pertaining Will/Beneficiary in contact of Insurance/EPF/Distribution of Estate.

A comprehensive manual has been prepared jointly with PT Foundation representatives and BCLACKL, which would be used later for the pupils program as training materials.

There were 23 participants attended the training sessions. This training session was overwhelmingly participated by the participants from PT Foundation.

C) PUPILS PROGRAM

The committee has decided to expose chambering pupils to take part in our legal clinic. The proposal has been brought to the Management Panel at the meeting on the 12 November 2002 (Tuesday) and it was agreed upon. Two training sessions would be conducted for each batch of pupils; both PT Foundation and BCLACKL representatives would train the pupils on sensitization and legal issues. Our 1st attempt for this pilot project would begin in April 2003 with 3 pupils as a start.

The committee has come up with a new set of interview sheet for the Clinic and also currently have approached to create a poster in vernacular languages about the legal clinic.

16. MANAGEMENT AND ADMINISTRATION

1. Finance

A sum of RM389,086.00 (RM Three hundred eighty nine thousand and eighty six only) was approved by the National Legal Aid Committee for the Centre's operations for the year 2002

2. Annual Accounts (please refer to the annexed audited accounts)

4. Acknowledgement

We to record our heartfelt thanks and appreciation to the Registrars, Magistrates, Sessions Judges, Sungai Buloh and Kajang Women's Prison Authorities, Welfare Department, Bar Council, Bar Committee, Members of the Bar, our NGO partners, other Government officials, International Law Book Services, Sil Ad (KL) Sdn Bhd and Lian Huat Stationers for the generous contribution and assistance to the Bar Council Legal Aid Centre (Kuala Lumpur)

Singam & Yong
Chartered Accountants

SUITE 1607, PLAZA PENGKALAN, JALAN TIONG, 3RD MILE, JALAN IPOH, 51100 KUALA LUMPUR, MALAYSIA. TEL: 603-40420611/0412612 FAX: 603-40410704 E-mail: singamyong@sypanet.net

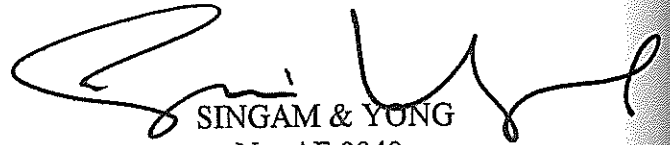
BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

FINANCIAL STATEMENTS – 31 DECEMBER, 2002

REPORT OF THE AUDITORS

We have audited the accompanying Balance Sheet and Income and Expenditure Account of BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) in accordance with approved auditing standards.

In our opinion, the accompanying Balance Sheet and Income and Expenditure Account, together with the accompanying notes, give a true and fair view of the state of affairs of BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) as at 31 December, 2002 and of its income and expenditure for the financial year ended on that date.


SINGAM & YONG
No. AF 0040
Chartered Accountants


GARY YONG YOON SHING
No. 633/3/03 (J/PH)
Partner

Kuala Lumpur,
7 February, 2003

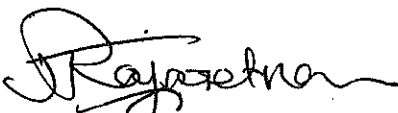
BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

BALANCE SHEET – 31 DECEMBER, 2002

	<u>Note</u>	<u>2002</u>	<u>2001</u>
		RM	RM
PLANT AND EQUIPMENT	2	44,943	52,307
CURRENT ASSETS			
Sundry receivables, deposits and prepayments	3	13,897	13,669
Disbursement recoverable		35,998	35,722
Cash and bank balances	4	22,255	47,071
		72,150	96,462
Less :			
CURRENT LIABILITIES			
Client's account		19,692	19,692
Sundry payables and accruals		7,356	10,161
		27,048	29,853
NET CURRENT ASSETS		45,102	66,609
		90,045	118,916
Represented by :		RM	RM
ACCUMULATED FUND	5	90,045	118,916

The accompanying notes form an integral part of, and should be read in conjunction with these financial statements.

We certify that the above Balance Sheet and accompanying Income and Expenditure Account, together with the accompanying notes, give a true and fair view of the state of affairs of BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR) at 31 December, 2002 and of its income and expenditure for the financial year ended on that date.



JAYALETCHUMI RAJARETNAM
 Chairperson



STANLEY SINNAPPEN
 Hon. Secretary

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

NOTES TO THE FINANCIAL STATEMENTS – 31 DECEMBER, 2002

1. ACCOUNTING POLICIES

1.1 Accounting basis

The financial statements have been prepared under the historical cost convention and are in accordance with the provisions of the Companies Act, 1965 and applicable approved accounting standards in Malaysia.

1.2 Plant and equipment and depreciation

Plant and equipment are shown at cost less accumulated depreciation. Depreciation is calculated to write off the cost of the plant and equipment in equal annual instalments over their estimated useful lives. The annual rate used for this purpose is 10% for all the plant and equipment.

1.3 Cash and cash equivalents

Cash and cash equivalents represent cash in hand and bank balances.

2. PLANT AND EQUIPMENT

	Air- conditioners and office equipment	Furniture and fittings	Renovation	Total
	RM	RM	RM	RM
<u>2002</u>				
<u>Cost</u>				
As at 1 January	101,855	9,138	11,764	122,757
Addition	2,299	-		2,299
As at 31 December	104,154	9,138	11,764	125,056
<u>Accumulated Depreciation</u>				
As at 1 January	59,878	4,690	5,882	70,450
Current depreciation	7,702	785	1,176	9,663
As at 31 December	67,580	5,475	7,058	80,113
Net Book Value	36,574	3,663	4,706	44,943

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)**NOTES TO THE FINANCIAL STATEMENTS – 31 DECEMBER, 2002**
(CONT'D)**2. PLANT AND EQUIPMENT (Cont'd)**

	<u>Air- conditioners and office equipment</u>	<u>Furniture and fittings</u>	<u>Renovation</u>	<u>Total</u>
	RM	RM	RM	RM
<u>2001</u>				
<u>Cost</u>				
As at 1 January	88,755	8,423	11,764	108,942
Addition	13,100	715	-	13,815
As at 31 December	<u>101,855</u>	<u>9,138</u>	<u>11,764</u>	<u>122,757</u>
<u>Accumulated Depreciation</u>				
As at 1 January	52,407	3,905	4,705	61,017
Current depreciation	7,471	785	1,177	9,433
As at 31 December	<u>59,878</u>	<u>4,690</u>	<u>5,882</u>	<u>70,450</u>
Net Book Value	<u>41,977</u>	<u>4,448</u>	<u>5,882</u>	<u>52,307</u>

3. SUNDRY RECEIVABLES, DEPOSITS AND PREPAYMENTS

	<u>2002</u>	<u>2001</u>
	RM	RM
Rental deposit	11,262	11,262
Utility deposit	1,000	1,000
Telephone deposit	950	950
Staff insurance prepaid	685	457
	<u>13,897</u>	<u>13,669</u>

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

NOTES TO THE FINANCIAL STATEMENTS – 31 DECEMBER, 2002
(CONT'D)

4. CASH AND BANK BALANCES

	<u>2002</u>	<u>2001</u>
	RM	RM
Office account	3,057	27,957
Clients' account	19,095	19,095
Cash in hand	103	19
	<u>22,255</u>	<u>47,071</u>

5. ACCUMULATED FUND

	<u>2002</u>	<u>2001</u>
	RM	RM
Balance brought forward	118,916	107,283
(Deficit)/Surplus for the financial year	<u>(28,871)</u>	<u>11,633</u>
Balance carried forward	<u>90,045</u>	<u>118,916</u>

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

**INCOME AND EXPENDITURE ACCOUNT FOR THE
FINANCIAL YEAR ENDED 31 DECEMBER, 2002**

	<u>2002</u>	<u>2001</u>
	RM	RM
INCOME		
Allocation from Bar Council	359,071	359,836
Net proceeds from fund raising movie premiere	-	19,257
Donations received	4,804	7,575
Temporary staff subsidy	1,800	-
Other income	75	567
	<u>365,750</u>	<u>387,235</u>
Less :		
EXPENDITURE		
Salaries, overtime and allowance	202,417	159,698
Rental	39,680	39,436
Training	29,829	35,067
E.P.F.	27,234	22,438
Telephone	19,278	15,552
Bonus	16,460	26,027
Printing and stationery	11,823	13,351
Depreciation of plant and equipment	9,663	9,433
Volunteers meeting	5,565	5,082
Juvenile task force	5,187	2,053
Storage charges	4,865	2,874
SOC SO	3,063	2,630
Staff insurance	3,039	2,289
Refreshments	2,746	3,427
Despatch charges	2,402	1,565
Medical expenses	2,397	2,862
Upkeep and maintenance of office	2,382	2,430
Electricity and water	1,939	4,946
Auditors' remuneration	1,500	1,500
Postage	1,089	1,487
Maintenance of office equipment	663	600
Bank charges	662	640
Miscellaneous	659	806
Urgent arrest task force	-	18,654
Repair and maintenance of motorbike	-	340
Balance carried forward	394,542	375,187

BAR COUNCIL LEGAL AID CENTRE (KUALA LUMPUR)

**INCOME AND EXPENDITURE ACCOUNT FOR THE
FINANCIAL YEAR ENDED 31 DECEMBER, 2002
(CONT'D)**

	<u>2002</u>	<u>2001</u>
	RM	RM
Balance brought forward	394,542	375,187
Advertisement	45	335
Travelling	34	80
	<u>394,621</u>	<u>375,602</u>
(DEFICIT)/SURPLUS FOR THE FINANCIAL YEAR	<u>(28,871)</u>	<u>11,633</u>

The accompanying notes form an integral part of, and should be read in conjunction with, these financial statements.

LAPORAN TAHUNAN 2002/03

1. MESYUARAT AGUNG TAHUNAN KE-10

Mesyuarat Agung Tahunan Ke-10 telah diadakan pada hari Isnin 19hb Mac 2002 jam 10:00 pagi di Grand Ballroom, Hotel Legend, Kuala Lumpur. Ianya telah ditangguhkan daripada 12hb Mac 2002 kerana ketiadaan korum.

2. PEMEGANG-PEMEGANG JAWATAN

Pada Mesyuarat Agung Tahunan Ke-10 ini, pemegang-pemegang jawatan berikut telah dipilih:

a) Jawatankuasa Peguam 2002/03

Pengerusi: Ragunath Kesavan

Ahli-ahli: Jerald Gomez
Animah Fuad Kosai
Stanley Sinnappen
Lim Chee Wee
Colin Andrew Pereira
Oommen Koshy

b) Wakil ke Majlis Peguam 2002/03

Ambiga Sreenevasan

3. SETIAUSAHA KEHORMAT

Oommen Koshy telah dilantik oleh Jawatankuasa sebagai Setiausaha Kehormat bagi tahun 2002/03.

4. AHLI-AHLI LANTIKAN

Jayaletchumi Rajaretnam dan Sa'adiah Din telah dilantik sebagai ahli Jawatankuasa Peguam di bawah Seksyen 73(vii) Akta Profesion Undang-Undang 1976 pada mesyuarat Jawatankuasa yang pertama bagi tahun tersebut yang diadakan pada 26.3.2002.

5. KEKOSONGAN LUARJANGKA DALAM JAWATANKUASA

Animah Fuad Kosai telah meninggal amalan guaman pada 6.1.2003 dan dengan itu telah berhenti menjadi seorang daripada ahli Jawatankuasa. Sebagaimana, menurut Seksyen 75(1) Akta Profesion Undang-Undang 1976, Jawatankuasa ini telah melantik Jayaletchumi Rajaretnam untuk menggantikan beliau.

6. MESYUARAT-MESYUARAT JAWATANKUASA

a) Setakat 18.2.2003 Jawatankuasa bermesyuarat sebanyak 13 kali dan kehadiran setiap ahli adalah seperti berikut:

Ragunath Kesavan	- 13
Jerald Gomez	- 13
Animah Fuad Kosai	- 9
Stanley Sinnappen	- 11
Lim Chee Wee	- 8
Colin Andrew Pereira	- 13
Oommen Koshy	- 11
Jayaletchumi Rajaretnam	- 12
Sa'adiah Din	- 8

b) Ambiga Sreenevasan, wakil ke Majlis Peguam, telah dijemput untuk hadir di mesyuarat-mesyuarat Jawatankuasa sebagai pemerhati dan juga untuk melaporkan kepada Majlis Peguam terhadap perkara-perkara yang berkaitan apabila ianya penting dan diperlukan. Beliau menghadiri sejumlah 7

mesyuarat.

- c) Pengerusi dan Setiausaha Jawatankuasa Peguam Muda, Moganambal dan Sanjeev Kumar telah dijemput untuk hadir di mesyuarat-mesyuarat Jawatankuasa sebagai pemerhati-pemerhati. Mereka menghadiri sejumlah 9 dan 11 mesyuarat masing-masing.

7. KEWANGAN

Kedudukan kewangan Jawatankuasa kekal stabil dengan sejumlah RM723,862.00 berada di dalam Akaun Deposit Tetap. Perincian bagi kedudukan kewangan adalah sepertimana yang dibentangkan di dalam Akaun Teraudit berakhir pada 31.12.2002.

8. YURAN

- 8.1 Yuran bagi tahun 2002 telahpun ditetapkan sebanyak RM100.00 di Mesyuarat Agung Tahunan Ke-10 Bar Kuala Lumpur yang diadakan pada 19.3.2002.
- 8.2 Pada akhir tahun kewangan Jawatankuasa ini pada 31.12.2002, seramai 70 orang ahli masih belum menjelaskan yuran bagi tahun 2002.

9. JUMLAH AHLI

Setakat 18.2.2003, Bar Kuala Lumpur mempunyai sejumlah 5671 orang ahli.

10. JAWATANKUASA-JAWATANKUASA KECIL DAN PANEL PENGURUSAN BANTUAN GUAMAN

Jawatankuasa-jawatankuasa berikut telah ditubuhkan bagi memudahkan pelaksanaan pelbagai aktiviti Jawatankuasa Peguam dan untuk menyelenggara kehendak-kehendak Bar Kuala Lumpur dan diketuai oleh ahli-ahli berikut:

- | | | | |
|-------|-----------------------------|---|-------------------------|
| i) | Undang-Undang Alam Sekitar | : | Animah Fuad Kosai |
| ii) | Teknologi Maklumat | : | Lim Chee Wee |
| iii) | Bantuan Guaman | : | Jayaletchumi Rajaretnam |
| iv) | Perhubungan Awam & Mahkamah | : | Jerald Gomez |
| v) | Kebajikan Pelatih | : | Sa'adiah Din |
| vii) | Sosial | : | Colin Andrew Pereira |
| viii) | Sukan | : | Oommen Koshy |
| ix) | Surat Berita Relevan | : | M Moganambal |
| x) | Peguam-Peguam Muda | : | M Moganambal |

Aktiviti-aktiviti serta laporan-laporan mereka masing-masing terdapat di mukasurat 70 hingga 106.

11. FORUM MENGENAI KRITERIA PERLANTIKAN JAWATAN DAN KENAIKKAN PANGKAT UNTUK HAKIM.

Suatu forum untuk membincangkan isu-isu yang berkaitan dengan badan kehakiman dan kriteria untuk perlantikan jawatan dan kenaikan pangkat untuk Hakim-Hakim telah dikelolakan berikutan dengan pendedahan bekas Hakim Mahkamah Rayuan, Y Bhg Dato' Shaik Daud Ismail yang diterbitkan dalam Malaysiakini pada 22 hingga 24 Mei, 2002 iaitu sepertimana yang berlaku di sepanjang tempoh perkhidmatannya sebagai Hakim untuk Badan Kehakiman Malaysia. Forum tersebut telah diadakan pada 14 Jun 2002 dan penceramah-penceramahnya adalah Y Bhg Dato' Syed Ahmad Idid dan Y Bhg Datuk Dominic Puthuchery. Y Bhg Dato' Shaik Daud yang pada awalnya telah ditetapkan untuk berucap pada forum, di atas sebab-sebab yang tidak dapat dielakkan, tidak dapat hadir pada hari tersebut. Suatu laporan mengenai forum ini telah disiarkan di dalam Isu Relevan pada bulan Julai 2002.

Jawatankuasa bercadang untuk menyediakan memorandum mengenai perlantikan Hakim, tetapi projek ini ditunda oleh kerana Majlis Peguam akan mengendalikannya.

12. KENYATAAN-KENYATAAN AKHBAR

- 12.1 Suatu Kenyataan Akhbar telah dikeluarkan dengan serta merta selepas Mesyuarat Agung Tahunan (AGM) yang terakhir Bar Kuala Lumpur pada bulan Mac 2002 yang membangkitkan isu-isu yang telah diutarakan oleh ahli-ahli Bar Kuala Lumpur dalam AGM tersebut iaitu Draf Kedua, Bil Guaman Akademi Malaysia

telah diluluskan oleh Kabinet tanpa mengambil kira pendapat dan komen-komen Bar Malaysia dan cadangan untuk membuat pindaan-pindaan kepada Akta Profesion Undang-Undang 1976 juga tidak diberikan kepada Majlis Peguam untuk maklum balas dan komen. **Lampiran "KLBC-1"** (ms 107)

- 12.2 Pada Mei 2003, Jawatankuasa mengeluarkan satu lagi Kenyataan Akhbar menekankan kepentingan semua ahli Bar Kuala Lumpur untuk menghadiri EGM bagi Bar Malaysia pada 31.5.2002 yang ditetapkan oleh Majlis Peguam untuk membincangkan Bil Akademi Peguam Malaysia dan untuk menentang Bil tersebut yang kemungkinan mempunyai kesan serius yang merumitkan profesion undang-undang dan peranan Bar Malaysia dalam mendukung kedaulatan undang-undang (Rule of Law) . **Lampiran "KLBC-2"** (ms 108)

- 12.3 Jawatankuasa berasa sangat kesal terhadap penangkapan, penahanan dan pertuduhan yang dikenakan terhadap seorang ahli Bar Kuala Lumpur iaitu Encik Uthayakumar oleh pihak Pendakwaraya. Satu kenyataan akhbar telah dikeluarkan pada 27.1.2003 yang mengutarakan rasa kekesalan yang amat sangat terhadap cara Encik Uthayakumar ditangkap dan tentang perkara yang menjadi tuduhan terhadap beliau iaitu di bawah Seksyen 228 Penal Code. Kami juga menyatakan sokongan terhadap keputusan yang diambil oleh Majlis Peguam yang mendesak supaya kesemua pertuduhan terhadap Encik Uthayakumar ditarik balik. **Lampiran "KLBC-3"** (ms 109)

- 12.4 Jawatankuasa telah mengeluarkan satu surat pekeliling bertarikh 19.7.2002 sebagai tindakbalas terhadap komen Presiden Bar Malaysia mengenai keputusan Mahkamah Persekutuan di dalam kes Rayuan Anwar. **Lampiran "KLBC-4"** (ms 110)

13. UCAPAN-UCAPAN TAHNIAH

Jawatankuasa, bagi pihak Bar Kuala Lumpur, telah menyampaikan ucapan tahniah kepada beberapa orang tokoh bidang undang-undang yang baru dilantik ke jawatan tinggi atau dianugerahkan dengan bintang-bintang kebesaran atau gelaran.

14. OBITUARI-OBITUARI

- 14.1 Jawatankuasa merakamkan takziah diatas kematian ahli-ahli Bar Kuala Lumpur berikut sepanjang tahun dalam kajian:

- Encik Panneer Selvam Punandy pada 4.3.2002
- Encik Wan Abdul Majid bin Wan Hamid pada 12.7.2002
- Encik Ramid Khan pada 26.10.2002
- Encik Yong Ban Fatt pada 3.2.2003

- 14.2 Kami telah, dengan sokongan dan bantuan daripada Majlis Peguam dan Badan Kehakiman, menghidupkan kembali tradisi menjalankan Istiadat "Reference". Tangungjawab menganjurkan Istiadat "Reference" tersebut telah diserahkan kepada Stanley Sinnappen. Dua sesi telahpun diadakan setakat ini dan tiga lagi sesi akan diadakan di mana dua sesi pada bulan Mac dan satu sesi di dalam bulan April 2003. Laporan terperinci tentang perkara ini boleh didapati di mukasurat 68 dan 69.

15. PENGHARGAAN-PENGHARGAAN

Kami menghargai kerjasama dan bantuan yang diterima daripada Hakim Besar, Hakim-Hakim Mahkamah Tinggi, Pendaftar Mahkamah Tinggi, Timbalan-Timbalan dan Penolong-Penolong Kanan Pendaftar, Hakim Kanan Mahkamah Sesyen, Hakim-Hakim Mahkamah Sesyen, Majistret-Majistret dan Pendaftar-Pendaftar Mahkamah Sesyen dan Majistret kedua-dua Mahkamah di KL dan Selangor.

Kami mengucapkan terima kasih kepada semua ahli di atas sokongan serta kerjasama berterusan mereka. Kami berharap agar mereka akan terus berbuat sedemikian kepada Jawatankuasa yang baru.

JAWATANKUASA PEGUAM KUALA LUMPUR

ISTIADAT "REFERENCE"

Tradisi mengadakan Istiadat "Reference" bagi ahli-ahli Bar yang telah meninggal dunia, yang kali terakhirnya diadakan dalam tahun 1988, telah dihidupkan kembali pada tahun ini. Penghidupan kembali Istiadat "Reference" ini tidak akan berlaku tanpa kerjasama dan sokongan daripada Majlis Peguam dan Badan Kehakiman secara khususnya Ketua Hakim Negara, YAA Tun Mohamed Dzaiddin dan YA Dato' Faiza Hj Tamby Chik.

Walaupun 13 tahun telah berlalu semenjak "Reference" terakhir diadakan pada tahun 1988, 66 ahli (setakat penetapan tarikh Istiadat "Reference") telahpun meninggal dunia, kami ingin mengingati dan memberi penghormatan kepada setiap orang daripada mereka yang mana telahpun pada suatu ketika merupakan sebahagian daripada ahli Bar Kuala Lumpur (atau Bar Selangor & Wilayah Persekutuan). Oleh yang demikian kami telahpun membuat keputusan untuk mengadakan Istiadat "Reference" untuk kesemua 66 ahli tersebut.

Kami telah mengumpulkan di dalam bentuk buku peringatan yang mengandungi kumpulan penghargaan dan kenangan-kenangan terhadap 66 rakan yang telahpun meninggalkan kita tersebut. Salinan-salinan buku peringatan tersebut telahpun diedarkan di hari Istiadat "Reference" dijalankan kepada ahli-ahli keluarga, rakan-rakan dan peguam-peguam yang hadir pada hari tersebut. Kami merakamkan ucapan terima kasih kepada Nicole Wee, Sharmine Thiruchelvam, Anantha Krishnan, Animah Kosai dan Moganambal yang telah membantu di dalam mengedit buku peringatan tersebut.

Kami telah menjalankan Istiadat "Reference" secara berperingkat-peringkat iaitu seramai 14 ke 15 orang di dalam satu sesi memandangkan jumlah yang agak besar itu. Istiadat "Reference" yang pertama telah dijalankan pada 19.9.2002 sebagai sebahagian daripada siri-siri Istiadat "Reference" yang akan diadakan untuk 66 ahli tersebut. Kami telah memberikan penghormatan dan penghargaan kepada ahli-ahli yang telah meninggal seperti berikut:

Meena Kumari	Ranjit Singh a/l Najar Singh	Narayanan Sanguni Nair
Kalvinder Kaur	Chelliah Navaratnam	Sia Teck Thian
Dev Anand KTArasu	Umathevy Ratnasingham	KR P Perumal
Ahmad Fadzil Omar	Lim Cheng Poh	Koay Swee Lin
Woon Kim Poh	R Ponnudurai	

Bar KL telah diwakili oleh Pengerusinya yang pertama iaitu Y Bhg Dato' RR Sethu, Bar Malaysia telah diwakili oleh Presidennya, Encik Mah Weng Kwai dan Yang Berhormat Peguam Negara telah diwakili oleh Y Bhg Dato' Abdul Aziz bin Abdul Rahim.

Istiadat "Reference" yang kedua telah dijalankan pada 16.10.2002 bagi memberi penghormatan dan penghargaan kepada ahli-ahli berikut:

Clarence Wilfred	Karam Singh Veriah	Eugene Lye Kim Hai
Linda Tai Fook Yen	CKG Pillay	Lian Yao Ming
Daniel Lee Yun Khong	Irene Ong Lee Ling	S Krishna Aiyar
Lee Jiun Leong	Ng Man Kit	D Surendranath PD Nair
GTS Sidhu	Atma Singh Gill	

Encik Dennis Appaduray, salah seorang Pengerusi Jawatankuasa Peguam Kuala Lumpur yang lalu telah mewakili Bar Kuala Lumpur bagi Istiadat "Reference" yang kedua. Puan Hendon Hj Mohamed salah seorang Presiden Bar Malaysia yang lalu telah mewakili Bar Malaysia dan Encik Ahmad Kamal bin Md Shahid telah mewakili Yang Berhormat Peguam Negara.

Di sini kami merakamkan penghargaan yang tidak terhingga kepada YA Dato' Faiza Hj Tamby Chik yang telah mendengar kedua-dua Istiadat "Reference" tersebut. Kami juga ingin mengucapkan terima kasih kepada Timbalan Pendaftar YA Hakim yang lalu iaitu Puan S Narkunavathy dan Penolong Kanan Pendaftar, Tuan Mohd Zairan di atas kerjasama dan bantuan yang telah dihulurkan pada mesyuarat-mesyuarat yang telah diadakan berkenaan dengan Istiadat-Istiadat "Reference" tersebut.

Tiga lagi Istiadat "Reference" bakal diadakan pada 17.3.2003, 26.3.2003 dan 21.4.2003 untuk baki 38 orang ahli lagi itu iaitu:

R R Chelliah	Tong Teck Yong	Joseph Loo Shin Mun
John Skrine	Murugappan Manickam	Shukanta Choudhury
Tan Sri Dato' Dr Eusoffe Abdoolcader	Goh Tin Poh	Balakrishnan Shanmugam
Mohd Kassim bin Ahmed	Chan Eu Gene	Peter Yeoh Keat Choon
Baldev Singh a/l Kartar Singh	Koh Chwee Hoe	Hoh Pau Yu
Low Ping Loong	Charles William Kraal	Philip Adolphus
Lim Teik Aik	Laurence Teoh Guan Hock	To' Puan Noraini Kassim
Mahinder Singh Sidhu	Lim Shee Ping	Sharifah Aloyah bte Syed Mohd Alsagoff
Suresh Gnanasegaram	T Selvendranathan	Mohd Maydien bin Tapil Ahmad
Chinniah Ahnankrishnan	Chrysanthus Romauld Lopez	A M Kandasamy
V K Moorthy	Tan Kok Guan	Mohd Akhir bin Mohd Desa
Edmund Yong Joon Hong	Subramaniam Komban	Panneer Selvam Punandy
Vadiveloo Anumanthan	Zainal Abidin bin Mohamed Wazir	

Sekali lagi di sini kami ingin merakamkan ucapan terima kasih kepada YA Dato' Faiza Hj Tamby Chik yang telah memberikan persetujuan untuk mendengar ketiga-tiga Istiadat "Reference" yang bakal diadakan tersebut.

Kami merasa sedih kerana terpaksa memasukkan ke dalam senarai di atas 3 lagi rakan di Bar Kuala Lumpur yang telah meninggal dunia sepanjang tahun dalam kajian iaitu Wan Abdul Majid, Ramid Khan dan Yong Ban Fatt.

Stanley Sinnappen

UNDANG-UNDANG ALAM SEKITAR

Pengerusi: Animah Kosai

Ahli-ahli: Janet Looi
Tunku Alina
Philip Teoh
Tuan Zubaidah
Tee Sheng Wey
Quek Sue Yian
Vanessa Moo
Nurliza Ramli
Lee Siew Kin

Penasihat: Hasmah Harun

Pemerhati-
Pemerhati: Sharon Lim
Firdous Mohd Jan
Juhanna Maneesah

Matlamat-matlamat untuk 2002/03

Jawatankuasa ini telah menyusun matlamat-matlamatnya untuk tahun ini seperti berikut:

- Meningkatkan kesedaran di kalangan peguam-peguam dalam isu-isu alam sekitar.
- Membina rangkaian dengan orang-orang berkaitan dalam industri dan kerajaan
- Memberi penekanan dan pendidikan ke industri dalam isu-isu utama alam sekitar.

Setiap matlamat telah dicapai dengan pelaksanaan program-program berlainan yang telah dijalankan sepanjang tahun.

1. Meningkatkan Kesedaran: pembinaan keupayaan dan perkongsian pengetahuan

Setiap ahli jawatankuasa ditugaskan dengan satu isu alam sekitar yang spesifik yang merangkumi isu-isu pelbagai seperti hidupan liar, perubahan dalam cuaca dan GMO-GMO (organisma yang diubahsuai secara genetik) dan berkongsi maklumat dalam bidang mereka dengan ahli-ahli jawatankuasa yang lain semasa mesyuarat-mesyuarat dan melalui eGroup jawatankuasa yang lain.

Pada Jun 2002, Dr Azmi Sharom, seorang pensyarah undang-undang alam sekitar di Universiti Malaya telah memberi taklimat yang menarik dan bermaklumat berkenaan undang-undang alam sekitar antarabangsa untuk Bar Kuala Lumpur. Selain itu, terdapat juga rancangan untuk suatu lawatan luar pada hujung minggu bersama Dr Catherine Yule dari Monash University Malaysia ke Kuala Selangor pada awal 2003 untuk ahli-ahli Bar Kuala Lumpur.

2. Membina Rangkaian

Ahli-ahli jawatankuasa ini juga telah aktif mengambil bahagian dalam seminar, dialog industri dan perbincangan yang berkait dengan pelbagai aspek alam sekitar, yang telah membawa kepada peningkatan profil yang positif untuk profesyen undang-undang dan peranannya dalam memelihara alam sekitar. Ahli-ahli telah pun dijemput khas ke dialog-dialog berikut untuk memberikan pandangan dari segi undang-undang: dialog AMCHAM dengan Ketua Pengarah Kualiti Alam Sekitar mengenai kemaskini JAS terhadap perubahan kepada Peraturan-peraturan dibawah Akta Kualiti Alam Sekitar 1974; bengkel CETDEM tentang Perubahan Cuaca; dan Dialog Meja Bulat LESTARI dan FRIM tentang Pengurusan Bahan Kumuh.

3. Berkerjasama dengan Kerajaan dalam menangani masalah Alam Sekitar

Pada Jun 2002, jawatankuasa ini telah berjumpa dengan Ketua Pengarah Kualiti Alam Sekitar, Puan Hajah Rosnani untuk membincangkan masalah semasa alam sekitar di Malaysia dan untuk mengkaji cara-cara jawatankuasa ini dapat membantu JAS dalam menangani masalah-masalah ini. Perbincangan tersebut telah membuahkan hasil yang positif. Secara ringkasnya, isi-isi penting perbincangan tersebut adalah seperti berikut:

- Ketua Pengarah telah berpendapat yang peguam-peguam (pengamal dan penasihat undang-undang) boleh

memainkan peranan yang lebih penting dalam memastikan yang anak-anak guam mereka mematuhi undang-undang alam sekitar. Sebagai contoh, peguam boleh menekankan kewujudan undang-undang dan liabiliti alam sekitar semasa memberi nasihat kepada anak guam terutamanya dalam hal-hal yang melibatkan pembinaan, tanah, pelaburan, penggabungan dan pengambilan dan tekunan wajar. Peguam kontrak juga boleh memasukkan klausa alam sekitar yang menyeluruh. *Nota: Jawatankuasa ini telah memulakan pengumpulan klausa alam sekitar.*

- Pegawai-pegawai JAS memerlukan latihan yang lebih didalam pengumpulan bukti dan mengendalikan kes Mahkamah. JAS telahpun menubuhkan satu institut latihan di Bangi dan kemungkinan untuk mengambil peguam bagi tujuan membantu dalam latihan pegawai JAS seperti melakonkan kes Mahkamah, telah dibincangkan. *Nota: Oleh kerana jawatankuasa ini kekurangan litigator, isu ini telah dibawa kepada perhatian Jawatankuasa Perundangan Alam Sekitar Majlis Peguam untuk tindakan selanjutnya.*
- Akta Kualiti Alam Sekitar 1974 kini sedang disemak semula dan input jawatankuasa adalah dialu-alukan. *Nota: Input jawatankuasa merupakan sebahagian daripada penghujahan cadangan pindaan kepada AKAS yang disampaikan oleh Jawatankuasa Perundangan Alam Sekitar Majlis Peguam kepada Majlis Kualiti Alam Sekitar.*
- Cabaran terbesar JAS merupakan mendidik pemaju-pemaju dalam mematuhi garis panduan JAS, terutamanya garis panduan tentang Pembangunan Lereng Bukit kerana ia hanya merupakan garis panduan dan tidak mempunyai kuasa undang-undang. Jawatankuasa ini juga telah mencadangkan yang satu bengkel diadakan khusus untuk pemaju dan kontraktor dalam memastikan kepatuhan kepada undang-undang alam sekitar. *Nota: Ini telah membawa kepada bengkel Pembangunan Perumahan Berterusan.*

4. Bengkel Pembangunan Perumahan Berterusan

Pada 8 Oktober 2002, jawatankuasa ini telah mengadakan bengkel sehari tentang "Pembangunan Perumahan Berterusan: Membina Untuk Generasi Masa Depan" di Hyatt Saujana. Sejumlah 41 peserta telah mengambil bahagian dalam bengkel ini, yang terdiri daripada peguam, jurutera, pemaju, kontraktor, arkitek, perancang Bandar, perunding alam sekitar dan pereka. Tujuan utama adalah merupakan untuk menunjukkan satu alternatif dan pendekatan mesra alam sekitar terhadap pembangunan perumahan. Ini termasuklah pameran tentang perkembangan penjimatan tenaga dan sensitif alam sekitar. 11 jurucakap dan ahli panel dari JAS, Kementerian Perumahan dan Kerajaan Tempatan, Majlis Perbandaran Subang Jaya, CIDB, DANCED, perancang Bandar Putrajaya dan jawatankuasa ini, telah memperkatakan tentang topik yang bermula dengan tahap rekaan dan kelulusan, pembinaan sebenar dan diakhiri dengan pembuangan sisa pembinaan.

Bengkel ini telah berjaya mengumpul untung sebanyak RM 2,251.81.

Jawatankuasa ini telah menyediakan satu laporan tentang bengkel ini, dengan memberi perhatian kepada isu-isu yang dibincangkan dan saranan-saranan yang telah dibuat. Laporan ini telah dihantar ke JAS dan Kementerian Pembangunan Perumahan dan Kerajaan Tempatan.

Satu lagi hasil bengkel ini merupakan yang jawatankuasa ini telah dijemput secara tidak rasmi oleh Kementerian Pembangunan Perumahan dan Kerajaan Tempatan untuk memberikan pendapat kepada jawatankuasa mereka yang telah ditubuhkan bagi menyemak Akta Bangunan dan Penyaliran Jalan 1974 serta peraturan dan undang-undang kecil yang dibuat dibawahnya.

5. Mengumpul Dana

Jawatankuasa ini telah menyambung usaha penjualan kemeja-t dan beg Sharkie yang merupakan stok lebihan dari tahun sebelumnya. Keuntungan untuk tahun ini berjumlah RM2,764.95. Jawatankuasa ini berhasrat untuk menderma keuntungan tersebut kepada satu badan kebajikan untuk kanak-kanak kurang bernasib baik.

6. Kerjasama Berpasukan

Tahun ini merupakan satu tahun yang produktif dan menyeronokkan bagi jawatankuasa ini, yang disebabkan oleh dedikasi yang padu serta kesungguhan yang ditunjukkan oleh ahli-ahlinya. Setinggi-tinggi terima kasih diucapkan kepada setiap ahli, pemerhati dan penasihat untuk sokongan dan komitmen yang diberikan dalam memperjuangkan hal-hal alam sekitar.

Animah Kosai
Pengerusi
Jawatankuasa Undang-Undang Alam Sekitar

TEKNOLOGI MAKLUMAT (TM)

Pengerusi: Lim Chee Wee

Penasihat: Deepak Pillai
KH Koh
Nicholas Leong

John Chong
Surinta Abraham

Ahli-ahli: Chan Wen Li
Chempaka Emalin Pahamin
Eric Chin
Gary Lim Chin Yee
Haslyna Hashim
Jacqueline Chang

Jason Lee
Sakthi Perumal
Stanley Lim
Tan Eng Choong
Wan Kai Chee
Yvonne Siew

1. Objektif Jawatankuasa TM

Dalam era globalisasi ini, semasa praktik perundangan bergerak menuju ke persekitaran rangkaian dan persekitaran tanpa kertas, ahli-ahli perlu menggunakan TM untuk terus bersaing. Seperti jawatankuasa TM sebelum ini, objektif utama jawatankuasa TM sekarang adalah untuk mempromosikan penggunaan TM oleh peguam-peguam untuk memberi penekanan kepada ahli-ahli bahawa Revolusi Komunikasi adalah sahabat dan sekutu kita dan untuk meneroka langkah baru bilamana TM boleh memperbaiki kehidupan profesional kita.

Projek-projek berikut telah dilaksanakan oleh jawatankuasa ini.

(ii) Pakej LexisNexis

Kebanyakan kerja jawatankuasa tahun ini difokuskan kepada perkongsian antara Jawatankuasa Peguam Kuala Lumpur (Kuala Lumpur Bar Committee) dengan LexisNexis bagi membolehkan ahli-ahli Bar KL mengakses ke Pengkalan Data LexisNexis.

Kami berjaya membincangkan satu skim untuk ahli-ahli kami dalam praktik kecil dan sederhana untuk memberikan akses kepada LexisNexis's Commonwealth Cases dan Pengkalan Data Perundangan. Kadar dan akses yang terpakai adalah seperti berikut :-

JUMLAH PEGUAM	JUMLAH POIN AKSES	KADAR SETAHUN
1 hingga 10	1	RM1000
11 hingga 20	2	RM2000

Kadar penggunaan ditetapkan selama dua (2) tahun, berkuat kuasa 1 November 2002. LexisNexis juga telah bersetuju untuk memberikan sokongan kewangan dan bantuan kepada Jawatankuasa Peguam KL dalam projek-projek kami termasuklah peruntukan penahan buku-buku MLJ dan lain-lain tanpa sebarang kos bagi Bilik Peguam KL di Wisma Denmark.

Kami sentiasa mengharapkan hubungan benefisial yang berterusan dan bersaling antara peguam KL dan LexisNexis.

(ii) Bengkel dan Pameran TM – Meningkatkan Produktiviti Dengan TM

Satu Bengkel dan Pameran TM telah diadakan pada 10 Januari 2003 bertemakan "Increasing Productivity With IT" dengan peguam Encik KH Koh, Encik Deepak Pillai dan Encik Nicholas Leong bersama dengan Encik John Chong (seorang bekas pengamal undang-undang) mengedarkan kertas tentang asas perkakasan dan perisian bagi pejabat peguam, manfaat rangkaian, mencipta sistem pengurusan klien dan pejabat, membina laman web, membina tempat simpanan digital bagi contoh perundangan (legal precedents) dan kajian perundangan & pengurusan pengetahuan.

Dengan kejayaan Bengkel dan Pameran TM, jawatankuasa ini akan mengadakan acara yang sama pada 6 Mac 2003 yang kebetulan sama dengan Mesyuarat Agung Tahunan Bar KL.

(iii) Ceramah oleh Wordwave International Asia (dahulunya dikenali sebagai Smith Bernal International)

Wordwave merupakan pembekal terbesar perkhidmatan laporan dan transkripsi Mahkamah. Cik Vicky Harris, Pengarah Pembangunan Perniagaan Wordwave sebelum ini, memberikan ceramah pada 17 Julai 2002 kepada ahli-ahli Bar KL tentang perkhidmatan yang ditawarkan oleh Wordwave dengan penekanan terhadap perkhidmatan transkripsi masa nyata (real-time) atau tertangguh yang boleh digunakan semasa perbicaraan dan prosiding timbang tara. Butiran lanjut tentang perkhidmatan mereka boleh diperolehi di laman web mereka, www.wordwave.com.

(iv) Sistem Keahlian

Satu pangkalan data keahlian baru diperlukan untuk Sekretariat menggantikan sistem arkib sekarang ini. Sistem pangkalan data yang baru adalah Pentadbiran Keahlian dan Sistem Bayaran ("MAPS"). MAPS akan menghasilkan pengurusan maklumat ahli dan pembayaran, automasi aliran kerja (automation of workflow), laporan dan eksport data yang mudah diperolehi yang efektif untuk pembangunan akan datang.

Kami melaksanakan 2 pusingan tender dengan 8 calon dalam pusingan pertama dan 2 calon senarai terpilih untuk pusingan terakhir. Kami mencadangkan Ingenisys Sdn Bhd bagi sistem keahlian dan kerja telah bermula dan dijangka siap pada September 2003. Kos pembangunan dan pelaksanaan MAPS adalah sekitar RM50,000.00.

(v) Laman Web

Objektif-objektif laman web tersebut adalah untuk menyediakan tempat simpanan maklumat yang berguna atau penting kepada ahli-ahli dan sebagai tempat rujukan untuk berkomunikasi antara ahli-ahli dan Jawatankuasa Peguam Kuala Lumpur. Selain daripada mengandungi maklumat tentang Jawatankuasa dan jawatankuasa kecil, dan penerbitan, ciri-ciri laman web tersebut termasuklah forum secara talian, laman ahli (site member) dan carian firma (firm searches), meninjau/mengundi (poll/voting) dengan buku pelawat (guestbook), iklan, kalendar peristiwa dan menghantar notis-notis dari Badan Kehakiman, Jabatan Kerajaan dan baru-baru ini menghantar penghakiman yang masih belum dilaporkan.

Kos pembangunan dan pelaksanaan laman web ini adalah RM11,000.00 dengan "hosting", penyelenggaraan tahunan dan fee pengurusan kandungan (content management fee) sebanyak RM2,700.00. Dijangkakan bahawa hasil daripada iklan-iklan di laman web sudah lebih daripada mencukupi untuk membayar kos pembinaan dan penyelenggaraan laman web.

Ingenisys Sdn Bhd telah dilantik untuk membangunkan dan menyenggarakan laman web berkenaan.

2. Kesimpulan

Skim LexisNexis, MAPS dan laman-laman web akan menjadi asas untuk mempertingkatkan penggunaan TM dalam Bar Kuala Lumpur. Adalah diharapkan bahawa Bengkel TM dan Pameran akan diteruskan dengan kekerapan dan kehadiran, penjelajahan yang baik dan menggalakkan penggunaan TM dan idea-idea baru dalam amalan guaman.

Akhir sekali, saya ingin meluahkan rasa terhutang budi dan gembira saya semasa bekerja dengan setiap dan tiap-tiap orang daripada ahli-ahli jawatankuasa TM yang dedikasi dan penuh minat serta usaha yang tidak mengenal erti letih telah membuahkan kejayaan terhadap projek ini.

Lim Chee Wee
Pengerusi
Jawatankuasa TM

PERHUBUNGAN AWAM DAN MAHKAMAH

Pengerusi: Jerald Gomez

Ahli-ahli:	Abdul Rashid Ismail	Mansheel Kaur
	Christopher Leong	Mohanadass Kanagasabai
	Colin Andrew Pereira	R Ravindra Kumar
	Joslyne Goonting	Teh Yoke Hooi
	Lee Choi Wan	Wong Chiong Seng
	Lim Chee Wee	Wong Lu Peen

Sekali lagi, kami telah menempohi satu tahun yang sangat efektif. Kami bermula dengan menulis kepada anda semua untuk mengemukakan aduan, cadangan dan idea bagi tujuan memperbaiki pentadbiran keadilan di Kuala Lumpur. Kami juga telah bekerjasama dengan wakil-wakil Jawatankuasa Peguam Selangor untuk membuat perkara yang sama dengan Mahkamah Shah Alam dan Klang kerana terdapat sejumlah besar ahli-ahli di Kuala Lumpur juga menghadiri Mahkamah-mahkamah tersebut.

Kami telah menerima pelbagai aduan, cadangan dan idea daripada ahli yang prihatin. Kami telah menjawab setiap soalan mereka secara individu dan persendirian. Kami telah membangkitkan kebanyakan aduan dan cadangan tersebut kepada Badan Kehakiman. Berkaitan dengan 'one off' masalah (keadaan yang tertentu), kami telah menyelesaikannya dengan Hakim atau PKP yang berkaitan di mana ianya tidak disebut dalam mana-mana surat pekeling yang dikeluarkan.

Mesyuarat dengan Mahkamah Sesyen dan Majistret Klang pada 17.5.2002

Kami telah bertemu dengan Hakim dan Majistret di Mahkamah Sesyen dan Majistret Klang pada 17.5.2002. Mesyuarat ini adalah diatur oleh Jawatankuasa Peguam Selangor dan kami telah dijemput untuk menghadirinya. Banyak isu telah dibincang semasa mesyuarat itu termasuklah tentang kelewatan pengeluaran dokumen, kegagalan untuk memberitahu peguam apabila Hakim mengambil cuti, Pembatalan kes pada 'first call', keadaan tandas, dll. Mahkamah telah memberi jaminan kepada kami bahawa mereka akan menyiasat masalah yang dibincangkan. Ia adalah suatu mesyuarat yang mesra dan memanfaatkan. Satu salinan laporan telah disediakan oleh Abdul Rashid Ismail dan telah dilampirkan di sini sebagai "KLBC-5" (ms 111-112)

Mesyuarat dengan Hakim Kanan Baru Mahkamah Rendah Kuala Lumpur pada 21.6.2002

Ahli Jawatankuasa telah melawat Hakim Kanan yang baru, Dato' Mohd Azman pada 21.6.2002 pada pukul 3 petang. Tarikh dan masa telah diatitkan oleh Tuan Hakim sendiri. Penghargaan khas perlu diberi kepada Ravindra Kumar dan Mansheel Kaur kerana walaupun mereka adalah peminat bolasepak yang setia, mereka sanggup melepaskan Pertandingan Bolasepak Piala Dunia di antara Brazil dan England untuk menemani Pengerusi KLBC dan saya untuk menghadiri mesyuarat ini. Kami mengalu-alukan Hakim baru ke KL dan membincangkan masalah am yang dihadapi oleh ahli-ahli di Mahkamah Kuala Lumpur. Kami mencadangkan supaya mengadakan mesyuarat dengan semua Hakim Mahkamah Rendah, di mana Tuan Hakim telah bersetuju. Tuan Hakim juga telah memberitahu kami bahawa beliau bersedia menemui kami bila-bila masa untuk menyelesaikan apa-apa masalah yang dihadapi oleh ahli-ahli Bar Kuala Lumpur. Ia adalah satu mesyuarat yang sangat memuaskan.

Perkhidmatan "Computerisation/Transcription" di Mahkamah

Kami telah, pada 2001, memberitahu Hakim Besar mengenai perkara di atas, dan Yang Amat Arif sangat terbuka minda terhadap idea itu. Pada tahun itu, kami telah mengadakan mesyuarat dengan Pendaftar-Pendaftar dan Hakim-Hakim mengenai perkara sama. Cubaan pertama adalah untuk meletak komputer-komputer dalam Mahkamah Yang Arif Dato' Arifin Zakaria sebagai projek percubaan.

Ia merupakan satu sistem yang asas. Kami telah mengadakan satu 'demo transcript service' yang dilakukan oleh "Wordwave International" pada 17.7.2002. Syarikat itu telah melakukan dan sedang membekalkan sistem ini kepada Badan Kehakiman di Negara Hong Kong. Kami telah menjemput pihak Pendaftar yang terlibat dalam projek ini. Demo tersebut telah dihadiri oleh ramai ahli. Walaupun kos untuk sistem ini adalah tinggi, kami mengesyorkan sistem ini kepada wakil Kehakiman yang telah hadir. Penghargaan khas perlu dibuat kepada Lim Chee Wee yang menyertai jawatankuasa pada 2002 dan juga memegang jawatan Pengerusi jawatankuasa TM untuk tahun 2002/03. Beliau telah memberikan banyak masa dan usaha dalam perkara ini. Kami dapati terdapat pertindihan di antara dua jawatankuasa

ini yang mana usaha bersama patut diteruskan.

Kami telah mengadakan mesyuarat semula dengan pihak Pendaftar dan Yang Arif Dato' James Foong.

Pada 1.10.2002, Ketua Hakim Negara telah merasmikan pembentukan semula Mahkamah Sivil dan "computerising/transcription of evidence". Satu demo telah dijalankan dengan bantuan ahli-ahli Bar Kuala Lumpur. Lima buah skrin komputer telah dipasangkan iaitu untuk Hakim, Saksi, dua Peguam dan jurutrengkas Sistem ini juga berkeupayaan untuk menyiarkan dalam skrin pelbagai statut, Kaedah Mahkamah Tinggi dan "sub-rules" yang lain apabila perbicaraan telah bermula. Nota Keterangan juga boleh dicetak dengan segera.

Sistem ini telah dirasmikan pada 1.10.2002 dan telah diberi laporan yang luas oleh akhbar tempatan. Persoalan sama ada bila sistem ini akan dimulakan oleh Mahkamah adalah bergantung kepada Badan Kehakiman.

Mesyuarat dengan Hakim Mahkamah Sesyen, Majistret dan Pendaftar pada 24.8.2002

Mesyuarat ini mempunyai kehadiran yang penuh. Hakim Besar telah menghantar Pendaftar Mahkamah Tinggi, Tuan Mohamad Zabidin untuk mempengerusikan mesyuarat ini. Pertukaran pendapat yang terus terang telah berlaku dalam mesyuarat. Kami telah memberi laporan melalui Surat Pekeliling No. 15/02 mengenai perkara yang dibincangkan dalam mesyuarat tersebut. Sesalanan surat pekeling tersebut dilampirkan di sini sebagai "KLBC-6" (ms 113-117).

Mesyuarat dengan Pendaftar Geran Tanah Kuala Lumpur pada 5.9.2002

Laporan mengenai apa yang telah berlaku telah disebut dalam Surat Pekeliling No. 15/02 yang dilampirkan di sini sebagai "KLBC-6" (ms 113-117). Penghargaan khas perlu diberi kepada Wong Lu Peen yang telah meluangkan banyak masa dan usaha dalam perkara ini.

Mesyuarat dengan Yang Arif Dato' James Foong pada 11.9.2002

Mesyuarat ini adalah didayausahakan oleh Yang Arif sendiri. Bersama-sama dengan Pengerusi KLBC, kami telah menghadiri mesyuarat tersebut. Yang Arif telah memberitahu kami mengenai rancangan Ketua Hakim Negara untuk penyusunan semula Mahkamah Sivil dan telah memberi butir-butir mengenainya kepada kami. Yang Arif meminta bantuan kami untuk memastikan perlaksanaan yang lancar untuk rancangan ini. Kami telah diberitahu bahawa rancangan ini akan dirasmikan pada 1.10.02 oleh Ketua Hakim Negara sendiri dan tempoh percubaan akan bermula 2 minggu sebelum permulaan pada Hari Isnin yang berikutnya. Sila ambil perhatian bahawa kami tidak diberitahu mengenai rancangan penyusunan semula sebelum diadakan mesyuarat ini. Satu Surat Pekeliling telah didrafkan dan dihantar kepada semua ahli Bar Kuala Lumpur. Surat Pekeliling No. 13/02 dilampirkan di sini sebagai "KLBC-7" (ms 118-119).

Kami telah bekerjasama dengan Pendaftar-Pendaftar untuk memastikan rancangan penyusunan semula Mahkamah Sivil adalah selesa dan mudah untuk kegunaan ahli kami. Kami telah ditanya beberapa kali untuk memberikan sebarang komen tetapi kami tidak memberi komen pada masa itu kerana keputusan telahpun dibuat oleh KLBC supaya tidak membuat sebarang komen sehingga kami mendapat maklum balas daripada semua ahli kami.

Jamuan Teh Di Kelab Diraja Selangor pada 20.9.2002

Kami telah mengadakan satu jamuan teh untuk semua Hakim Mahkamah Sesyen, Majistret dan Pendaftar di Kelab Diraja Selangor. Tujuannya adalah untuk mengeratkan hubungan di antara Badan Kehakiman dengan Bar Kuala Lumpur dan juga untuk berjumpa dalam suatu suasana yang tidak rasmi untuk membincangkan pelbagai isu yang pernah dibincangkan dalam mesyuarat yang diadakan pada 24.8.02. Ia adalah suatu mesyuarat yang memuaskan, ahli Badan Kehakiman didapati kurang formal dan lebih terbuka terhadap masalah yang dihadapi oleh mereka.

Mesyuarat dengan Ketua Hakim Mahkamah Shah Alam pada 11.10.2002

Mesyuarat ini adalah didayausahakan oleh Jawatankuasa Peguam Selangor. 5 orang ahli jawatankuasa PRCL telah menghadiri mesyuarat tersebut sebagai wakil Bar Kuala Lumpur. Banyak isu telah dibincangkan. Sesalanan laporan yang disediakan oleh Abdul Rashid Ismail adalah dilampirkan di sini sebagai "KLBC-8" (ms 120-121). Jawatankuasa Peguam Selangor berpendapat bahawa jika kami mempunyai masalah dengan Mahkamah di Shah Alam, kami patut membangkitnya melalui mereka dan bukannya secara terus. Ini telah dipertimbangkan oleh KLBC dan kami telah mendapatkan penjelasan tentang maksud pendapat tersebut. Kebanyakan ahli jawatankuasa PRCL berpendapat memandangkan ramai ahli Bar Kuala Lumpur mengamal di Mahkamah Shah Alam dan Klang, kami sepatutnya boleh

membangkitkan sebarang masalah yang dihadapi oleh ahli kami sama ada secara terus kepada Hakim Mahkamah Tinggi, Hakim Mahkamah Sesyen, Majistret, Pendaftar, atau secara bersama dengan Jawatankuasa Peguam Selangor. Jawatankuasa PRCL berpendapat bahawa rintangan tidak harus wujud pada wakil ahli untuk menyelesaikan masalah secara terus dengan Hakim yang berkenaan. Ketua Hakim Mahkamah Shah Alam telah menyatakan bahawa beliau bersedia bertemu dengan kami secara bersendirian dalam membincangkan masalah yang dihadapi oleh peguam-peguam Kuala Lumpur. Walau bagaimanapun, kami inginkan suatu badan yang bersatu di hadapan Badan Kehakiman dan ini mesti diselesaikan di antara KLBC dan Jawatankuasa Peguam Selangor.

Makanan Tengahari yang dianjurkan oleh Badan Kehakiman pada 22.10.2002

Hakim-Hakim Mahkamah Sesyen, Majistret-majistret dan Pendaftar-pendaftar telah menjamu KLBC dan jawatankuasa PRCL makanan tengahari dan jamuan. Ini telah mempunyai kehadiran yang baik. Sekali lagi, kami mempunyai peluang untuk membangkitkan masalah-masalah tersendiri yang telah diterima oleh kami. Sebahagian individu Hakim/Majistret yang berkenaan memberi jaminan kepada kami bahawa masalah yang dibangkitkan akan diselesaikan. Isu Kaunter Pertanyaan telah menjadi satu topik yang hangat. Dalam suasana yang kurang formal, kami berupaya membincangkan isu sensitif seperti saksi yang terancam dengan ugutan menghina Mahkamah, peguam yang datang lewat yang meminta "reinstatement", kerani yang bersikap biadab dll. Kami dengan sukacita ingin memaklumkan bahawa isu yang dibangkitkan diterima secara positif dan kebanyakan persoalan itu adalah dijawab oleh Badan Kehakiman sendiri.

Penghargaan khas harus diberikan kepada Ravindra Kumar yang telah menyumbangkan masa dan tenaga di dalam mengaturkan mesyuarat dan juga tindakan susulan dengan Hakim-Hakim, Majistret-majistret dan Pendaftar-pendaftar. Di dalam banyak keadaan yang tertentu, ahli-ahli jawatankuasa PRCL juga mengadakan perjumpaan dengan seseorang Hakim dan Majistret tertentu bagi menyelesaikan beberapa permasalahan tertentu.

Penolakan Dokumen Oleh Kerani Kaunter

Kami mempunyai masalah mengenai penolakan dokumen oleh kerani-kerani di kaunter. Perkara ini berlaku di kedua-dua Mahkamah Rendah dan Tinggi. Kami telah memhangkitkan isu ini dalam beberapa kejadian dengan kedua-dua Hakim Mahkamah Rendah dan Tinggi. Dalam beberapa keadaan, Badan Kehakiman telah merujuk kepada arahan-arahan amalan dan dalam keadaan tertentu, mereka merujuk kepada kaedah yang tertentu dalam Kaedah Mahkamah Tinggi yang membenarkan cara pengamalan tersebut. Banyak perbincangan telah dibuat di atas isu ini untuk mencari satu jalan penyelesaian untuk menyakinkan Para Hakim supaya menghentikan amalan ini. Kami telah membuat keputusan untuk menyediakan suatu kertas cadangan mengenai masalah ini dan membincangkan isu perundangan yang terlibat. Tugas ini telah dipikul oleh Joslyne Goonting yang telah membuat kajian yang menyeluruh dan telah menyediakan kertas kerja mengenai masalah ini dan juga alasan undang-undang untuk mengatasinya.

Kami telah mengemukakan kertas kerja tersebut kepada KLBC untuk pertimbangan dan kelulusan mereka and selepas itu ia akan di hantarkan kepada Majlis Peguam dan juga Badan Kehakiman untuk pertimbangan. Sesalinan kertas kerja tersebut dilampirkan di sini sebagai "KLBC-9" (ms 122-126). Komen dan pandangan anda adalah dihargai.

Penyeragaman Prosedur Pengurusan Kes

Banyak komen telah dibangkitkan mengenai isu pengurusan kes dan pelbagai amalan Mahkamah yang dipraktikkan oleh setiap Mahkamah. Jawatankuasa PRCL memutuskan untuk membuat satu penilaian dan cadangan mengenai perkara ini untuk dikemukakan kepada Badan Kehakiman. Sesalinan cadangan tersebut dilampirkan di sini sebagai "KLBC-10" (ms 127-128) untuk penelitian anda. Penghargaan khas perlu diberikan terhadap masa dan usaha yang telah diluahkan oleh Mohan Kanagasabai dalam mengumpul maklum balas dan mengemukakan konsep yang penting dan cadangan-cadangan asas bagi Pengurusan Kes. Kami menjemput komen dan maklum balas terhadap perkara ini. Kami akan mempertimbangkan setiap komen dan maklum balas and cuba menggabungkan komen dan maklum balas anda sebelum mengemukakan kertas kami kepada Badan Kehakiman. Kertas tersebut pada masa ini adalah di dalam pertimbangan KLBC.

Maklum Balas dan persetujuan yang dicapai dalam penyusunan semula Bahagian Sivil Mahkamah Tinggi Kuala Lumpur

Kami telah menghantar surat pekeliling kepada anda untuk mendapatkan maklum balas. Kami menerima banyak komen dan aduan. Banyak pandangan telah diterima dan ramai orang membangkitkan perkara yang sama dalam bentuk yang berlainan. Kesemua ini harus dirumuskan dalam bentuk fakta untuk memudahkan kami, sebagai ahli jawatankuasa bagi membincangkan dan menilai setiap fakta tersebut. Teh Yoke Hooi telah memikul tugas ini untuk membaca setiap aduan dan komen dan beliau telah merumuskannya dalam bentuk fakta. Terdapat juga ahli yang

memberi komen yang bertentangan. Dalam perkara ini, jawatankuasa PRCL telah bertemu sebanyak dua kali dan telah membuat keputusan untuk menjemput semua orang yang telah menulis dan menghantar komen tersebut untuk menghadiri suatu mesyuarat. Ini adalah untuk memudahkan kami mencapai satu persetujuan supaya kami boleh membuat satu laporan untuk Badan Kehakiman.

Satu mesyuarat telah diadakan pada 10.12.2002 di Sekretariat Bar KL dan mesyuarat itu mencatatkan kehadiran yang memuaskan. Mereka yang telah menulis kepada kami tetapi tidak boleh menghadiri mesyuarat itu telah menghantar wakil masing-masing. Kami telah membincangkan semua isu yang dibangkitkan secara terperinci dan telah mencapai suatu persetujuan. Sekali lagi, Teh Yoke Hooi, telah menyediakan laporan yang terperinci mengenai isu-isu yang telah dipersetujui oleh kami. Laporan ini kemudian telah dihantar kepada jawatankuasa PRCL yang telah membuat beberapa pindaan. Selepas itu, laporan tersebut dihantar kepada KLBC di mana mereka telah membincangkan laporan tersebut dan membuat pindaan lanjutan. Kedua-dua Jawatankuasa telahpun mencapai suatu persetujuan bersama mengenai laporan itu. Sesalinan laporan yang telah diberikan kepada Yang Arif Dato' James Foong, Ketua Hakim Negara, President Mahkamah Rayuan dan Hakim Besar Malaya adalah dilampirkan di sini sebagai "KLBC-11" (ms 129-131).

Buku Undang-Undang di Bilik Peguam Wisma Denmark yang dilancarkan pada 2.1.2003

Pada Mesyuarat Agung Tahunan yang lalu, kami telah meminta persetujuan ahli-ahli untuk menggunakan wang bagi membeli buku undang-undang, secara khususnya, satu set MLJ pada harga yang diberi diskaun iaitu sebanyak RM20,000.00. Kami telah memulakan perbincangan mengenai bilangan buku yang boleh dibeli dengan jumlah wang yang ada dan mengenai kos kabinet yang diperlukan untuk menyimpan buku-buku tersebut. Kami telah mendapat penghargaan harga daripada tukang-tukang kayu dan telahpun memilih yang terbaik. Kami telah menyusun semula Bilik Peguam dan kabinet telapun dibina. Kami telah menubuhkan suatu sistem di mana ahli-ahli boleh membuat kerja fotostat secara sendiri jika diperlukan. Kami telah mendapat lebih buah buku undang-undang daripada yang dijangkakan.

Di atas usaha yang diberikan oleh Abdul Rashid Ismail yang menyertai jawatankuasa pada tahun ini, projek ini telah menjadi satu realiti. Buku undang-undang ini telah secara rasminya dibuka untuk kegunaan ahli-ahli pada 2.1.2003 dan kemudahan fotostat dengan sistem kad telah dilaksanakan pada 23.1.2003.

Kami telah memperolehi buku-buku tersebut secara **percuma**, ucapan terima kasih diberi kepada LexisNexis.

Peraturan penggunaan buku-buku undang-undang itu telah disiapkan dan diluluskan oleh jawatankuasa PRCL dan kemudiannya telah dipertimbangkan dan dikeluarkan oleh KLBC. Kami telah menghantar suatu surat Pekeliling untuk memberitahu anda semua tentang buku-buku itu berserta dengan sesalinan peraturan-peraturan. Sesalinan surat pekeliling dan peraturan-peraturan adalah dilampirkan di sini sebagai "KLBC-12" (ms 132) dan "KLBC-13" (ms 133) masing-masing.

Kami juga telah membuat suatu permintaan peruntukan wang sebanyak RM30,000.00 daripada Majlis Peguam untuk melengkapkan Bilik Peguam di Mahkamah Rendah dengan kemudahan yang sama. Kami sedang menunggu jawapan daripada Majlis Peguam.

Ceramah tentang "Advocacy" pada 16.1.2003

Kami telah menerima maklum balas daripada para Hakim bahawa mereka tidak berpuas hati dengan tahap "Advocacy" 'masa kini'. Kami telah memberi jaminan kepada mereka bahawa peguam pada 'masa kini' perlu melalui kursus dalam "Ethics and Advocacy" selama 2 hari. Kami juga telah memberi jaminan kepada mereka bahawa kami akan mengaturkan ceramah untuk ahli-ahli yang lebih muda dari masa ke semasa dalam topik "Advocacy" yang akan diberikan oleh Hakim-Hakim dan Peguam-Peguam yang terkenal.

Sehubungan dengan ini, jawatankuasa anda telah mengadakan suatu ceramah oleh Yang Arif Dato' James Foong, Y Bhg Dato' Mahadev Shankar dan Encik Sivarasa Rasiah. Di atas usaha tanpa kenal penat, Christopher Leong telah memberikan kejayaan ceramah tersebut.

Jawatankuasa telah memutuskan bahawa ceramah ini akan diadakan secara percuma supaya ahli yang lebih muda dan Pelatih Dalam Kamar boleh menghadirinya. Auditorium telahpun dipenuhi oleh 255 ahli yang telah mendaftarkan nama mereka. Kebanyakan daripada mereka telah menghadiri ceramah itu sehingga akhir walaupun mereka terpaksa berdiri. Ceramah itu adalah sangat memanfaatkan dan kami telah menerima maklum balas yang positif daripada ahli-ahli yang menghadirinya dan mereka meminta supaya kami mengadakan lebih banyak seminar serupa ini pada masa akan datang.

Mesyuarat dengan Yang Arif Dato' James Foong pada 30.1.2003

Kami telah mengadakan suatu mesyuarat dengan Yang Arif Dato' James Foong pada 30.1.2003 dan telahpun memberinya sesalinan laporan kami ("KLBC-11") mengenai penyusunan semula Bahagian Sivil Mahkamah Tinggi Kuala Lumpur. Mesyuarat itu merupakan suatu perjumpaan makan tengahari dengan kehadiran semua ahli KLBC. Kami memulakan mesyuarat itu pada 12.30 petang dan mengakhirinya hanya pada pukul 2.45 petang. Yang Arif nampaknya mempunyai banyak yang hendak diperkatakan mengenai komen kami. Terdapat isu yang kami setuju dengan Yang Arif dan juga yang tidak disetujui. Walau bagaimanapun, saya mesti menyatakan bahawa kami memahami masalah yang dihadapi oleh Hakim-Hakim terutamanya "Managing Judge".

Mesyuarat dengan Hakim Mahkamah Tinggi yang dijadualkan pada 19.2.2003

Jawatankuasa PRCL anda telah berjumpa dengan 3 Ketua daripada pelbagai Bahagian Mahkamah Tinggi KL secara berasingan. Kami hendak mengadakan mesyuarat tersebut dengan 3 Bahagian itu sepertimana yang kami lakukan pada masa lalu. Kami telah menulis kepada Hakim Besar pada masa itu, Tan Sri Dato' Sri Ahmad Fairuz, dan Yang Amat Arif telah mengesahkan bahawa Yang Amat Arif akan menghadiri mesyuarat itu. Walau bagaimanapun, Yang Amat Arif telah dinaikkan jawatan sebagai Presiden Mahkamah Rayuan dan mesyuarat ini terpaksa ditangguhkan sehingga satu Hakim Besar yang baru dilantik. Selain itu, Bahagian "Kuasa-kuasa Khas dan Rayuan" bersetuju untuk bermesyuarat tetapi Bahagian Sivil dan Dagang memerlukan masa yang lebih. Oleh itu, mesyuarat ini telahpun ditangguhkan ke akhir bulan Mac atau April tahun ini. Tarikh mesyuarat ini akan ditetapkan pada salah satu tarikh lapang yang diberi oleh Hakim Besar terkini.

Perjumpaan Yang Arif Dato' James Foong dengan ahli-ahli Bar Kuala Lumpur pada 28.2.2003

Kami berpendapat bahawa ahli-ahli mempunyai banyak isu yang perlu dibangkitkan kepada Yang Arif Hakim secara terus. Para Hakim juga mempunyai masalah mereka sendiri dan mereka ingin ahli-ahli memahami apa yang berlaku. Dengan ini, kami akan mengadakan satu sesi dialog di antara Yang Arif Dato' James Foong dan anda sekalian. Di sini, anda akan mempunyai peluang untuk membangkitkan apa-apa persoalan yang anda ada dalam isu penyusunan semula Bahagian Sivil Mahkamah Tinggi dan juga mendengar rancangan Kehakiman mengenai sistem ini. Pada masa laporan ini disediakan, kami belum mengadakan mesyuarat ini lagi.

Terdapat beberapa lagi mesyuarat dengan Hakim Mahkamah Rendah dan Tinggi mengenai aduan individu dan masalah yang saya tidak sebutkan di sini.

Setiap ahli jawatankuasa bersama dengan Mary, Setiausaha Eksekutif kami, telah bekerja dengan rajin dalam memberi usaha mereka yang terbaik untuk mempertingkatkan pentadbiran keadilan di Kuala Lumpur. Adalah merupakan kepuasan saya untuk berkhidmat dengan jawatankuasa ini. Walau bagaimanapun, laporan ini adalah tidak lengkap jika saya tidak menyebut 2 perkara yang penting.

Pertama, semua yang telah berlaku adalah berjaya kerana galakan yang diberi oleh Pengerusi KLBC, Encik Ragnath Kesavan kepada jawatankuasa PRCL. Bagi pihak jawatankuasa PRCL dan ahli-ahli Bar Kuala Lumpur, saya ingin merekodkan ucapan terima kasih kepada Pengerusi KLBC dalam perkara ini.

Kedua, saya mesti mengasingkan 3 ahli jawatankuasa yang telah menyumbangkan secara besar-besaran dan melebihi jangkaan saya terhadap mereka. Bagi Bar Kuala Lumpur, saya ingin merekodkan ucapan terima kasih kepada Ravindra Kumar, Teh Yoke Hooi dan Abdul Rashid Ismail.

Bagi diri saya, sepertimana yang telah dijanjikan, saya telah berkhidmat untuk 2 sesi sebagai Pengerusi jawatankuasa ini dan disebabkan undian anda, saya berkhidmat sekarang dalam Majlis Peguam. Ahli jawatankuasa PRCL adalah berkeupayaan dan bersedia untuk terus bekerja seperti apa yang sedang dibuat sekarang, di bawah pengerusi yang baru yang bakal dilantik di antara rakan kerja anda. Saya menggesa anda supaya memilih salah satu daripada mereka menjadi ahli KLBC untuk memastikan satu peralihan mudah dan penerusan dalam kerja yang sedang dilakukan oleh mereka.

Jerald Gomez
Pengerusi
Jawatankuasa Perhubungan Awam dan Mahkamah

KEBAJIKAN PELATIH

Pengerusi : Sa'adiah Bt. Din

Ahli-ahli : M Moganambal
Sanjeev Kumar Rasiah

Jawatankuasa ini mengenalpasti kesulitan dan masalah yang dihadapi oleh pelatih-dalam-kamar sepanjang tempoh latihan mereka.

Jawatankuasa ini telah menyusun "Pengenalan kepada Jawatankuasa" bagi menjadikannya lebih mendekati pelatih-dalam-kamar. Semasa perjumpaan diadakan, pelatih-dalam-kamar akan dibahagikan kepada tiga kumpulan yang lebih kecil. Ahli Jawatankuasa mendapati bahawa pelatih-dalam-kamar berasa lebih selesa untuk membincangkan masalah mereka apabila mereka dibahagikan kepada kumpulan yang lebih kecil. Kumpulan itu biasanya mempunyai tidak lebih daripada 10 orang.

Projek yang dianjurkan oleh Jawatankuasa ini:

1. **Buku Panduan yang dikemaskinikan:** Ia akan mengandungi satu 'checklist' yang lengkap untuk membantu pelatih-dalam-kamar dalam menyediakan Petisyen mereka.
2. **Pertandingan "Moot":** Kertas Cadangan untuk projek ini masih belum diserahkan kepada Jawatankuasa Peguam Kuala Lumpur.

Lain-lain:

Pada tahun 2002, penerimaan masuk peguam di Kuala Lumpur adalah seramai 593. Jawatankuasa ini ingin mengambil kesempatan untuk mengucapkan terima kasih kepada ahli-ahli berikut yang telah memberi sokongan mereka dengan mewakili Jawatankuasa Peguam Kuala Lumpur semasa Prosiding "Long Call":-

- Alex Chang
- Arthur Wang
- Deepinder Kaur
- Joy Appukuttan
- Loh Chien Hsiung
- Low Chooi Ping
- Mallika Lee
- Mohamad Isherafar
- Mohd Omar Hussien
- R Rajes
- Rajendra Raj
- Sarjeet Singh Sidhu
- Selva Veeriah
- Selvi Kanagasabai
- Yasmeen Muhamad Shariff
- Yokinee Selvam

Sa'adiah Din
Pengerusi
Jawatankuasa Kebajikan Pelatih

SOSIAL

Pengerusi : Colin Andrew Pereira

Ahli-ahli : Reggie Wong Mew Sum
Ivan Wong Ee-Vern
Sanjeev Kumar Rasiah
Andrew Shee
Natalie Peh

Jamuan Makan Malam Tahunan

Peristiwa utama untuk tahun ini adalah Majlis Makan Malam dan Tarian Tahunan yang diadakan pada 5 Oktober 2002 di Sheraton Imperial, Kuala Lumpur. Jamuan makan malam tahun ini adalah khususnya bermakna kerana ia juga merupakan sambutan ulang tahun ke-10 Bar Kuala Lumpur. Lebih kurang 500 para hadirin termasuk Hakim-Hakim dan bekas Pengerusi-pengerusi Bar Kuala Lumpur yang menghadiri upacara ini. Untuk kali pertamanya, kami membekalkan satu program cenderamata yang menangkap kejayaan-kejayaan dan peristiwa-peristiwa Bar Kuala Lumpur selama kebelakangan 10 tahun ini. Ini tidak akan menjadi kenyataan sekiranya, tanpa sumbangan dan sokongan yang diterima oleh jawatankuasa dari firma-firma serta ahli-ahli individu.

Seminar-Seminar

Jawatankuasa telah berusaha dengan jawatankuasa Peguam Muda dalam mengendalikan seminar-seminar untuk manfaat ahli-ahli muda Bar. Seminar-seminar ini berharga RM30 (peguam) dan RM15 (pelatih). Pada masa laporan ini disediakan, dua seminar telah dikendalikan dengan berjaya, iaitu "*Civil Trial - Procedure & Preparation*" (oleh Encik T Gunaseelan) dan "*Land Law & Loan Documentation Procedures*" (oleh Encik George Chong). Dua seminar yang lain mengenai "*The Consequences of the Recent Amendments to the Bankruptcy Act*" (oleh Encik GK Ganesan) dan "*Company Law: Minority Shareholders' Protection*" (oleh Encik Ben Chan) dijadualkan untuk lewat bulan Februari 2003. Seminar-seminar ini yang telah dijalankan telah menarik para hadirin yang besar dan ia diharapkan agar program ini boleh diteruskan dengan sokongan pengamal-pengamal kanan yang mana jawatankuasa ini bergantung kepada untuk mempersembahkan seminar-seminar ini.

Jamuan Kanak-Kanak

Jawatankuasa telah menyidangkan satu jamuan kanak-kanak di Sunbeams Home, sebuah rumah anak-anak yatim di Taman Mawar, Kuala Lumpur pada 28 Disember 2002. Hasil-hasil daripada seminar-seminar ini yang dikendalikan bersama-sama dengan jawatankuasa Peguam Muda digunakan untuk membeli hadiah-hadiah untuk kanak-kanak. Rumah itu mengandungi dua rumah untuk kanak-kanak lelaki dan kanak-kanak perempuan yang berumur di antara 3 hingga 17 tahun. Rumah itu bergantung khususnya kepada sumbangan orang awam. Ahli-ahli yang ingin menyumbang makanan, alat-alat dan pekakas-pekakas rumah boleh menghubungi sekretariat Jawatankuasa Peguam Kuala Lumpur.

Lawatan Paintball ke Bukit Tinggi

Lawatan ke Bukit Tinggi diadakan pada 17 Ogos 2002. Paintball secara amnya adalah seumpama satu mainan perang dimana peserta-peserta dibahagikan kepada dua kumpulan, objektifnya adalah untuk setiap kumpulan memerangkap dasar atau bendera kumpulan yang lain. Peserta-peserta mempunyai senjata pistol semi-automatik yang dipenuhi dengan bekas-bekas gas dan "*peluru*" adalah sebenarnya intil-intil yang mengandungi cat minyak sayuran yang boleh berpecah dengan mudahnya atas impak. Selepas permainan itu, peserta-peserta telah mengunjungi Colmar Tropicale, sebuah perkampungan Perancis yang berhampiran, untuk makan tengahari.

Derma Darah

Satu kempen derma darah diadakan di Bilik Peguam di Mahkamah-Mahkamah Rendah di Jalan Raja bersama-sama dengan Hospital Kuala Lumpur pada 15 Ogos 2002. Malangnya, ramai ahli-ahli tidak dapat menderma kerana adalah satu polisi yang baru yang menghalang orang-orang yang telah tinggal di luar negara daripada menderma darah. Walaubagaimanapun, kami menerima sokongan yang kuat dari kakitangan-kakitangan Mahkamah.

Perhimpunan Akhir Tahun

Untuk menyambut akhir tahun, jawatankuasa telah menganjurkan satu perhimpunan untuk semua peguam-peguam, yang disambut dengan meriah sekali.

Colin Andrew Pereira
Pengerusi
Jawatankuasa Sosial

SUKAN

Pengerusi : Oommen Koshy

Ahli-ahli : Dennis Appaduray
Christopher Foo

1. KONVENOR-KONVENOR

Konvenor-konvenor berikut telah dilantik untuk membantu Jawatankuasa Sukan dalam mengendalikan acara-acara permainan tersebut:-

i.	Badminton	-	A I Nathan
ii.	Kriket	-	Alex De Silva
iii.	Baling Damak	-	Koh Yew Chong
iv.	Hoki	-	Satvinder Singh
v.	Bola Jaring	-	Wong Keat Ching
vi.	Bola Sepak	-	Peter Ling/Joshua Ng
vii.	Skuash	-	Jayne Koe
viii.	Tenis	-	Robin Lim
ix.	Bola Tampar	-	Wan Nadhri

2. SIRI TAHUNAN

2.1 Sukan Bar KL/Selangor Yang Ke-3
(*Piala Pusingan Lall Singh Muker*)

Tuan rumah bagi siri ke-3 ini adalah Bar Kuala Lumpur dan ianya telah berlangsung di Kelab DiRaja Selangor, Bukit Kiara, Kuala Lumpur pada 14.9.2002. Bar Selangor muncul sebagai juara keseluruhan. Keputusan-keputusan permainan adalah seperti berikut:-

Permainan	Keputusan
Badminton	: Dimenangi oleh Bar Selangor
Baling Dampak	: Dimenangi oleh Selangor Bar
Bola Jaring	: Dimenangi oleh Bar KL
Bola Sepak	: Dimenangi oleh Bar Selangor
Bola Tampar	: Dimenangi oleh Bar KL

2.2 “KARNIVAL SUKAN “ KL BAR vs KELAB DIRAJA SELANGOR (RSC) YANG KE-14
(*Piala Pusingan Tan Sri Dato' Harun Hashim*)

“Karnival Sukan” yang ke-14 telah berlangsung pada 25.1.2003. Selain daripada skuash yang berlangsung di RSC Town Club, semua permainan telah berlangsung di RSC Bukit Kiara. Kelab DiRaja Selangor (RSC) sekali lagi menonjol diri sebagai juara keseluruhan. Keputusan-keputusan adalah berikut:-

Permainan	Keputusan	Penderma Piala Pusingan
Kriket	Dimenangi oleh Bar KL	Mendiang Encik RR Chelliah (<i>Piala Pusingan DD Chelliah</i>)
Hoki	Dimenangi oleh RSC	Mendiang Encik GTS Sidhu
Bola Jaring	Dimenangi oleh RSC	Encik Max Lall Singh
Bola Sepak	Dimenangi oleh RSC	Y Bhg Datuk Dr James P Ongkili
Skuash	Dimenangi oleh RSC	Y Bhg Dato' Param Cumaraswamy
Tenis	Seri	Encik T Selvarasan
“Lumba Perahu”	Dimenangi oleh Bar KL	YA Dato' Faiza Tamby Chik

3. **PERTANDINGAN-PERTANDINGAN TERBUKA BAR KL**

- 3.2 Bola Sepak - Piala Memorial Thayalan 7-Sebelah Yang Ke-15 (berlangsung pada 28.9.2002)
(Piala Pusingan yang disumbangkan oleh Skrine & Co)

Johan : Gremio
Naib Johan : Zizou FC

4. **PERTANDINGAN PERSAHABATAN**

- 4.1 Hoki - Kami telah menghantar 11 orang pemain-pemain yang diketuai oleh Satvinder Singh dan beberapa penyokong-penyokong setia ke Seremban pada 11.1.2003. Perlawanan persahabatan ini telah dianjurkan oleh Jawatankuasa Peguam Negeri Sembilan di mana kami telah memenangi perlawanan tersebut dengan jaringan sebanyak 4-1. Perlawanan semula akan dianjurkan oleh Jawatankuasa Peguam Kuala Lumpur pada tahun ini.
- 4.2 Bolasepak - Ini merupakan perlawanan bolasepak kami yang pertama bagi melawan Mahkamah Shah Alam. Pasukan kami, diketuai oleh Afifi Ahmad telah pergi ke Shah Alam pada 18.1.2003. Kami telah memenangi perlawanan tersebut 2-1 dan Mahkamah Shah Alam telah meminta untuk perlawanan semula dengan Bar Kuala Lumpur.

5. **UCAPAN TERIMA KASIH**

Jawatankuasa ingin merakamkan ucapan terima kasih kepada semua konvenor yang telah meluangkan masa dan tenaga dalam menganjurkan acara-acara masing-masing. Jawatankuasa juga berterima kasih kepada semua penyumbang piala pusingan kerana ianya membantu menjayakan pelbagai pertandingan. Akhir kata Jawatankuasa berterimakasih kepada semua ahli yang bersemangat kesukanan di atas penyertaan serta sokongan mereka.

Oommen Koshy
Pengerusi
Jawatankuasa Sukan

PEGUAM-PEGUAM MUDA

1. Dua orang ahli Bar yang berikut telah di pilih semasa Mesyuarat Agung Tahunan Bar Kuala Lumpur yang Ke-10 untuk ke Jawatankuasa Peguam Muda ("JPM") :-

Pengerusi : Moganambal Murugappan
Setiausaha : Sanjeev Kumar Rasiah

- 1.1 Pengerusi dan Setiausaha seterusnya menjemput ahli-ahli muda dari Bar Kuala Lumpur untuk menyertai JPM dalam membentuk satu jawatankuasa dan satu mesyuarat yang tidak rasmi telah di adakan pada 19.4.2002. Mesyuarat tersebut juga diadakan untuk mendapatkan pandangan daripada ahli-ahli muda berkenaan dengan aktiviti-aktiviti yang perlu diberi tumpuan oleh JPM.
- 1.2 Lanjutan daripada mesyuarat tersebut, ahli-ahli berikut telah menawarkan diri untuk menyertai JPM untuk membentuk jawatankuasa penuh:-

Edmund Bon
Goh Hoon Huar
Sonya Liew
Amer Hamzah
Ram Karpal
Jeswynn Yogaratnam
Aliza Varughese

2. MATLAMAT

Matlamat utama JPM bagi tahun di bawah tumpuan adalah untuk mengatur aktiviti-aktiviti bagi kepentingan Peguam-peguam Muda dan untuk menubuhkan beberapa projek jangka masa panjang bagi jawatankuasa JPM.

- 2.1 Berikut adalah aktiviti-aktiviti yang dicadangkan bagi tahun 2002/2003
- (a) Untuk menganalisa dan memberi pandangan terhadap perubahan-perubahan yang dicadangkan kepada Kanun Prosedur Jenayah;
 - (b) Untuk membekalkan dasar maklumat dan panduan kepada ahli-ahli muda dari Bar Kuala Lumpur yang ingin menubuhkan amalan guaman sendiri;
 - (c) Untuk mempromosikan IT bagi amalan Mahkamah dengan tujuan untuk memudahkan amalan bagi ahli-ahli muda;
 - (d) Untuk mencadangkan perubahan bagi latihan dalam kamar;
 - (e) Untuk mengatur aktiviti-aktiviti dengan bertujuan untuk meningkatkan taraf dan mengekalkan hubungan baik di antara pengamal undang-undang dan kakitangan mahkamah;
 - (f) Untuk mengaturkan pendidikan undang-undang berterusan bagi ahli-ahli muda dan pelatih-pelatih.

3. AKTIVITI-AKTIVITI

- 3.1 Edmund Bon dan Amer Hamzah telah menyediakan satu kajian secara menyeluruh ke atas perubahan-perubahan pada Kanun Prosedur Jenayah yang dicadangkan yang mengandungi cadangan-cadangan dan komen-komen kepada laporan awal oleh Peguam Negara dan juga memberi cadangan-cadangan terhadap perubahan-perubahan lain yang tidak termasuk dalam laporan awal tersebut.
- 3.2 Kajian tersebut telah pun disampaikan kepada Jawatankuasa Peguam Kuala Lumpur, yang diluluskan dan diterima dan disampaikan ke Majlis Peguam untuk dikaji.

- 3.3 Goh Hoon Huar telah mengumpul maklumat-maklumat dan bahan-bahan rujukan dengan tujuan untuk membekalkan satu data asas dan pusat sumber untuk peguam-peguam muda yang ingin menubuhkan firma guaman sendiri. Bahan-bahan tersebut juga termasuk satu senarai komprehensif untuk pematuhan peraturan, persetujuan perkongsian, pengurusan pejabat, dan pengurusan fail dalaman dan prosedur akaun. Dicapai oleh JPM bahawa data asas dan pusat sumber sedia untuk digunakan untuk ahli-ahli dalam laman web Bar KL sejurus selepas laman web tersebut ditubuhkan.
- 3.4 JPM juga telah ditugaskan oleh KLBC untuk mengaturkan Workshop Latihan Hak Asasi. Pengerusi JPM dan Sharmila Sekaran daripada Jawatankuasa Hak Asasi Manusia Majlis Peguam, Sam Palmer Penolong Pegawai Penyelidik Hak Asasi Manusia Majlis Peguam dan Edmund Bon daripada pihak JPM adalah bertanggungjawab dalam organisasi Workshop tersebut yang telah diadakan dari 13.2.2002 sehingga 16.2.2003 di Guoman Resort, Port Dickson. Program selama empat hari tersebut diutamakan kepada semua pengamal-pengamal yang berminat untuk mempelajari bahagian-bahagian khusus di mana pelanggaran hak-hak asasi yang biasa berlaku adalah lazim di Malaysia dan akan tertumpu kepada latihan praktikal yang dibentuk untuk meningkatkan taraf kemahiran peguam dalam litigasi Hak Asasi dengan menumpukan kepada kedua-dua undang-undang dalam negara dan luar negara. 57 orang peserta yang terdiri daripada peguam kanan, peguam muda dan pelatih dalam kamar telah menghadiri latihan ini. Seramai 13 orang pensyarah daripada profesion undang-undang dan NGO telah menyampaikan kertas kerja mereka berkenaan aspek-aspek yang luas berkenaan hak asasi manusia. JPM ingin merakamkan penghargaan mereka kepada Pengerusi JPM, Sharmila, Sam Palmer, Colin Pereira dan Lim Siew Ann untuk kerjasama mereka dan sokongan mereka sepanjang latihan tersebut yang berjalan dengan berjaya. JPM juga merakamkan penghargaan kepada Kavitha dan Rajan daripada sekretariat.
- 3.5 JPM juga telah mencadangkan untuk mengajurkan satu pertandingan Bowling dengan Penolong Pendaftar, Hakim Mahkamah Syesyen dan Majistret, yang akan diadakan pada bulan Februari 2003 Di Cosmic Bowl, Mid Valley. Program ini bertujuan untuk menjalinkan hubungan baik di antara ahli-ahli muda dengan pegawai kehakiman di bawah Mahkamah Rendah supaya lebih banyak ahli-ahli muda berlatih di bawah Mahkamah Rendah.
- 3.6 JPM dan Jawatankuasa Sosial Bar KL telah bersama-sama menganjurkan dua ceramah untuk projek penerusan pendidikan undang-undang. Colin Pereira dari Jawatankuasa Sosial dan Setiausaha JPM telah menganjurkan 2 ceramah yang berjaya. Encik T Gunaseelan telah menyampaikan ceramah yang pertama berkenaan dengan Perbicaraan Civil: Latihan dan Prosedur pada 28.9.2002. Seramai 130 ahli telah menghadiri ceramah tersebut. Pada 16.11.2002, satu ceramah mengenai "Land Law and Loan Documentation Procedures" telah disampaikan oleh Encik George Chong yang diadakan di Auditorium Majlis Peguam. Ceramah ini dihadiri oleh 142 ahli. Dua lagi ceramah dijadualkan pada bulan Februari 2003 iaitu "Company Law: Minority Shareholders' Protection" oleh Encik Ben Chan pada 22.2.2003 dan "The Consequences of the Recent Amendments to the Bankruptcy Act" oleh Encik GK Ganesan pada 27.2.2003.
- 3.7 Pada tahun ini JPM juga mempertimbangkan untuk mewujudkan kesedaran dalam mengatasi masalah-masalah yang dilalui oleh pelatih-pelatih dalam kamar. Aduan yang kerap kali diterima adalah kekurangan elaun latihan dalam kamar. Jeswynn telah cuba untuk mewujudkan kesedaran dengan menyumbangkan dua artikel kepada surat berita Relevan yang diterbitkan oleh Jawatankuasa Peguam Kuala Lumpur bertajuk "Latihan Dalam Kamar: A New Paradigm Part 1 and Part 2". Bahagian pertama berkenaan dengan elaun pelatih dan Bahagian kedua mengenai program pendidikan dan latihan bagi Latihan Dalam Kamar.
- 3.8 Pengerusi dan Setiausaha JPM, sebagai pemerhati, telah menghadiri mesyuarat bulanan dan mesyuarat khas atas jemputan Jawatankuasa Peguam Kuala Lumpur. Ini memberi peluang kepada JPM untuk mengemukakan masalah-masalah yang dihadapi oleh peguam-peguam muda dan juga untuk JPM mengambil bahagian dalam aktiviti-aktiviti Jawatankuasa Peguam Kuala Lumpur.
- 3.9 Pengerusi dan Setiausaha JPM telah mewakili JPM Kuala Lumpur ke Jawatankuasa Nasional Peguam Muda (JNPM), Majlis Peguam. Mereka menghadiri mesyuarat JNPM dan telah mengambil bahagian dalam pengaturann Persidangan Nasional Peguam Muda yang dicadangkan untuk diadakan pada bulan April 2003..

- 3.10 Pengerusi dan Setiausaha JPM juga telah menghadiri pelbagai mesyuarat jawatankuasa kecil yang lain atas jemputan mereka untuk mendapat pandangan JPM terhadap aktiviti-aktiviti jawatankuasa kecil. Mesyuarat-mesyuarat seperti mesyuarat jawatankuasa PRCL dengan ahli-ahlinya bagi pelaksanaan sistem "Fast Track" di Mahkamah Tinggi Kuala Lumpur dan mesyuarat jawatankuasa TM bagi pelaksanaan laman web untuk Bar Kuala Lumpur, majlis minum petang dengan Hakim-Hakim dan Majistret-Majistret Mahkamah Rendah yang diadakan di Kelab DiRaja Selangor, mesyuarat dengan Hakim-Hakim dan Majistret-Majistret Mahkamah Rendah dan mesyuarat dengan Y. A. Datuk Vincent Ng sebagai ketua Bahagian Dagang di Mahkamah Tinggi Kuala Lumpur.

4. KATA-KATA AKHIR

Beberapa aktiviti-aktiviti yang dipertimbangkan untuk tahun ini adalah untuk projek jangka masa panjang di mana JPM berharap supaya wakil-wakil baru akan menyambung dan ahli-ahli muda akan menyokong aktiviti-aktiviti dengan meluangkan masa mereka untuk menyumbang terhadap JPM.

5. PENGHARGAAN

JPM ingin mengucapkan terima kasih kepada semua ahli jawatankuasa yang telah berkhidmat untuk JPM sepanjang tahun untuk sumbangan masa mereka yang berharga. JPM juga menghulurkan penghargaan mereka kepada Pengerusi dan Ahli Jawatankuasa Peguam Kuala Lumpur untuk sokongan dan juga memberi peluang kepada JPM untuk menyertai dalam semua aktiviti-aktiviti jawatankuasa.

Sanjeev Kumar
Setiausaha
Jawatankuasa Peguam Muda

RELEVAN

Pengarang : M.Moganambal

Ahli : Colin Andrew Pereira
Sanjeev Kumar Rasiah
Cheng Poh Heng
Nicole Wee

Pada tahun 2002/2003, dua isu Relevan telah diterbitkan dan pada masa yang sama, laporan ini disiapkan, isu ketiga juga telah dirancang dan dijangka terbit pada awal bulan Mac. Pihak pengarang masih terus berpegang teguh dengan polisinya membenarkan semua pandangan dan pendapat disiarkan kecuali yang berunsur fitnah dan hasutan (bagaimanapun, tiada satupun dalam kategori tersebut).

Pihak pengarang ingin mendapatkan maklum balas daripada ahli-ahlinya bertujuan melahirkan perbincangan sesama mereka. Pada Julai 2002 isu Relevan terdiri daripada dua pengarang; pengarang pertama cuba menganalisa secara terperinci mengenai Badan Kehakiman dan mengenalpasti samada sebarang perubahan telah berlaku sejak Tun Dzaiddin dilantik sebagai Ketua Hakim Negara. Secara kesalnya, kesimpulan yang dibuat ialah terlalu sedikit perubahan dilakukan untuk menanamkan keyakinan dalam diri pihak-pihak yang mengharapkan sedemikian. Pengarang kedua pula lebih menjurus kepada perletakan jawatan Presiden Bar dan sekiranya beliau enggan pihak Majlis Peguam yang akan membuang atau memecatnya. Keadaan ini berlaku disebabkan komen Presiden terhadap keputusan Mahkamah Persekutuan dalam rayuan Dato' Seri Anwar.

Pengarang dalam isu Relevan kedua, menyentuh mengenai perbuatan Yang Arif Hakim RK Nathan apabila beliau menyerang Yang Arif Hakim Sri Ram yang boleh dianggap menghina dan secara penglibatannya dua orang Hakim Rayuan daripada Mahkamah Rayuan, apabila memberi penghakiman di dalam perkara yang tidak berkaitan. Dengan ini, kami merujuk kepada Badan Kehakiman untuk memutuskan mengenai perkara ini dan sekiranya mereka ingin bertolak ansur mengenai perbuatan tersebut bagaimanakah penyelesaiannya.

Pihak pengarang telah menerima jumlah artikel yang munasabah daripada ahli-ahli dan diharapkan agar jawatankuasa akan datang dapat menimbangkan pengeluaran lebih isu dan seterusnya memperbaiki persembahan Relevan.

M Moganambal
Pengarang

BANTUAN GUAMAN

AHLI PANEL

Jayaletchumi Rajaretnam (Pengerusi)

Stanley Sinnappen (Setiausaha Kehormat)

Ramesh Kumar Kumaraguru (Penolong Setiausaha Kehormat)

R Kesavan

M Puravalen

Sivarasa Rasiah

Yasmeen Haji Muhamad Shariff

Ngooi Chiu-Ing

S Muhendaran

Sa'adiah Din

N Surendran

Charles Hector

Sharmini Thiruchelvam

Francis Pereira

R Shanmugam

Noorsuhaida Kasri

Sivanesan Nadarajah

Saiful Izham

A Balakisnan

So Chien Hao

B Murugayah

Baljit Singh Sidhu

K Nachammai

M Kamalam

Mary Song

Ramlah Begum Mohamed Ibrahim

S Balasubramaniam

1. PENGENALAN

Tahun 2002 adalah tahun yang mencabar bagi Ahli Panel Pusat Bantuan Guaman.

Kadar kehadiran klien bertambah didalam klinik-klinik tertentu adalah digambarkan seperti pada jadual dibawah. Daripada 9,482 klien yang dibantu, 5,286 telah diwakili di Mahkamah, iaitu lebih 50% daripada jumlah klien. Pertambahan jumlah kes-kes untuk perwakilan perundangan telah meletakkan peguam sukarela Pusat Bantuan Guaman yang sedia ada di dalam tekanan. Keadaan ini telah memaksa Pusat Bantuan Guaman untuk mencari jalan yang mana boleh menambahkan bilangan peguam sukarela maka tertubuhlah Jawatankuasa Perhubungan Sukarela. Jawatankuasa ini sedang mencari jalan untuk menggalakkan pelatih dalam kamar datang kembali secara sukarela sebaik sahaja mereka telah diterima masuk dalam Majlis Peguam.

Pada tahun-tahun yang lepas Pusat juga memandang serius terhadap cara-cara pelatih dalam kamar dilatih untuk mengendalikan klinik-klinik yang ada. Polisi yang ditetapkan adalah untuk memastikan semua pelatih melalui sesi 'latihan' tetapi latihan yang diberi oleh klinik-klinik yang berlainan adalah berbeza dari segi gaya penyampaian dan juga cara latihan dibuat dan kami sedang menuju ke arah penyeragaman kaedah-kaedah latihan dan juga peningkatan kemahiran tenaga pengajar kami. Ini adalah satu aspek kritikal di dalam penyediaan perkhidmatan Pusat, yang mana boleh mengakibatkan kualiti dari segi khidmat yang diberi oleh pelatih dalam kamar. Adalah diharapkan semoga Jawatankuasa Peningkatan Kemahiran dapat mencapai matlamatnya dengan jayanya.

Adalah menggalakkan melihat Klinik Dock Brief telah mula menjalankan permohonan ikat jamin, yang mana klinik telah rancang untuk melakukannya sejak ianya ditubuhkan. Akan tetapi bilangan permohonan ikat jamin adalah amat sedikit dan klinik ini harus menumpukan terhadap menjalankan lebih permohonan jaminan.

Dalam tahun lepas kehadiran ahli-ahli panel ke mesyuarat adalah amat mendukacitakan. Ahli-ahli telah diberitahu untuk meluangkan lebih masa untuk mesyuarat bulanan panel dan bukan hanya memfokuskan perhatian terhadap klinik mereka sahaja. Mesyuarat panel bulanan inilah satu-satunya forum di mana ahli-ahli panel memberi laporan tentang klinik masing-masing dan membincangkan pelbagai masalah dan isu-isu yang berbangkit dari klinik-klinik. Adalah diharapkan ahli-ahli panel menyedari bahawa bukan sahaja penting bagi mereka untuk memastikan klinik mereka berjalan dengan lancar tetapi juga penting bagi mereka hadir bagi setiap mesyuarat bulanan.

Adalah diingatkan organisasi ini bergerak dengan usaha peguam-peguam sukarela dan setiap masa yang disumbangkan oleh setiap peguam sukarela adalah amat dihargai.

Saya ingin mengambil kesempatan ini untuk mengucapkan ribuan terima kasih kepada semua peguam sukarela yang telah secara sukarela melibatkan diri di dalam aktiviti-aktiviti Pusat dan kepada ahli-ahli panel yang telah menjadikan tahun lepas adalah tahun yang berjaya. Saya juga mengambil kesempatan ini untuk mengucapkan terima kasih kepada Dorathy, Jessie, Mani, Chitrah, Elizabeth, Sheena, Siti, Selvi dan Lina untuk sokongan dan dedikasi mereka dalam menjalankan kerja yang membawa kepada kejayaan Pusat.

Dibawah ini adalah laporan oleh setiap klinik.

Jayaletchumi Rajaretnam
Pengerusi

2. STATISTIK MENUNJUKKAN KLIEN YANG DIBANTU:

Klien-klien Yang Dibantu 2002	Tahun 2001	Tahun 2002	% Peningkatan
Klinik Pusat Bantuan Guaman	1839	1208	-34.3
Program Dock Brief	5727	6277	9.6
Klinik Syariah	Bersama dengan Klinik PBG	68	-
Klinik Penjara Sungai Buloh	794	896	12.8
Klinik Penjara Wanita Kajang	252	206	-18.2
Program Rumah Reman Juvana	153	149	-2.6
Gerak Khas Tangkapan Genting	37	2	-94.5
Klinik-klinik Luar			
LAC/AWAM Perkhidmatan Maklumat Undang-undang	283	442	56.18
Klinik Pekerja Asing	700	1143	63.28
LAC/PTF Klinik	50	44	-12
JUMLAH	9835	9482	-3.6

PERWAKILAN PERUNDANGAN (FAIL-FAIL YANG DIBUKA DAN MITIGASI/PERMOHONAN JAMIN) TAHUN 2002	
Jenayah	332
Keluarga	96
Syariah	24
Pekerjaan	20
Mitigasi oleh Program Dock Brief	4791
Permohonan Jamin oleh Program Dock Brief	14
Lain-lain	8
Tanah	1
JUMLAH	5286

3. Laporan Hujung Tahun Klinik LAC 2002
Disediakan oleh Ketua Projek, Ramesh K Kumaraguru

Ahli Jawatankuasa- Ahli Jawatankuasa

Ramesh K Kumaraguru	Ong Chin Siong
Andrew Teh	Patrick Lim Siang Hock
Jayaletchumi Rajaretnam	Ramesh Lachamanan
K Nachmmmai	

Sehingga 31 Disember 2002, sejumlah 1208 orang telah ditemu-bual. Namun, daripada jumlah tersebut hanya 191 orang (termasuk 26 orang daripada helaian temubual tahun lepas) telah diberi bantuan guaman dan 700 orang telahpun diberi nasihat sahaja.

Sejumlah 98 pemohon pula telahpun dirujuk kepada Klinik lain, Badan Kerajaan berkenaan dan/atau Pusat Bantuan Guaman Negeri lain yang bersesuaian.

245 pemohon pula tidak berjaya mendapatkan bantuan guaman. Dari jumlah itu, 83 daripada pemohon telah gagal disebabkan ujian kelayakan, 147 pemohon pula tidak layak disebabkan subjek tersebut adalah diluar bidangkuasa LAC, dan seramai 15 pemohon lagi tidak layak disebabkan tiada merit didalam kes tersebut.

Sepertimana yang dinyatakan diatas, 191 fail telahpun dibuka oleh LAC yang terdiri dari:

a.	kes jenayah	-	sebanyak 90 fail
b.	kes keluarga	-	sebanyak 79 fail
c.	kes pekerjaan	-	sebanyak 13 fail
d.	kes tanah	-	sebanyak 1 fail
e.	kes lain-lain	-	sebanyak 8 fail

Ratio gender daripada jumlah pemohon keseluruhan adalah 772 pemohon lelaki dibandingkan dengan 436 pemohon perempuan, yakni, pada keseluruhannya, jumlah pemohon lelaki adalah hampir dua kali ganda berbanding pemohon perempuan.

Klinik Bantuan Guaman yang lebih dikenali sebagai LAC mengekalkan amalan mendapatkan bantuan daripada pelatih dalam kamar untuk menemu-bual pemohon – pemohon termasuklah pengesahan kelayakan berdasarkan “means and merits test”. Klinik LAC dikelolakan oleh Sekretariat Pusat Bantuan Guaman Majlis Peguam (KL) bertempat di tingkat 6, Wisma Kraftangan. Sementara ianya merupakan salah satu program utama di Pusat Bantuan Guaman Majlis Peguam (KL) ini, baru – baru ini oleh yang disebabkan kekurangan bilangan pelatih (disebabkan oleh masalah CLP) dan juga keperluan untuk pelatih yang mempunyai “locus” dalam program Dock Brief peruntukan pelatih didalam program ini telahpun berkurangan dari 3 orang kedua orang pada masa ini. Jumlah ini mungkin perlu dikurangkan lagi jika terdapat keperluan di masa hadapan; namun, pada masa ini jumlah yang sedia adalah berfungsi secara optimum. Kini, secara total 12-15 orang pelatih terlibat dalam mana-mana satu kumpulan/sesi dan mereka berada di Pusat ini dari pukul 10.00 pagi hingga 5 petang, hari Isnin hingga ke Jumaat untuk tempoh 3 bulan sebagai sebahagian daripada tugas bantuan guaman wajib pelatih dalam untuk mereka.

Pelatih-pelatih dalam kamar yang dipilih pada permulaannya diberikan Taklimat (“Briefing”) seminggu sebelum Latihan (“Training”) sehari. Kedua - duanya diadakan di premis Pusat oleh Ahli – ahli Jawatankuasa yang dinyatakan diatas dan juga oleh pelatih undangan dari lingkungan peguamcara berpengalaman didalam subjek – subjek berkenaan yang dijalankan secara ikhlas / “voluntary”. Taklimat serta Latihan tersebut menyentuh antara lainnya, “means and merits test”, kemahiran menemu-bual serta subjek undang-undang yang mana peruntukan representasi undang-undang dan bantuan diberi oleh Pusat ini, termasuklah undang-undang keluarga, pekerjaan dan jenayah.

Perlu diperjelaskan di sini bahawa walaupun pada asalnya Klinik Syariah dikelolakan secara berasingan, baru-baru ini, Pusat ini telahpun menggabungkan Klinik Syariah dalam pengelolaan taklimat, latihan, dan ulasan kembali pertengahan sesi (“mid-term review”). Penggabungan ini bermaksud mengeratkan lagi serta menguatkan lagi kesungguhan serta keberkesanan pelatih – pelatih berkenaan secara keseluruhan.

Antara lain tugas – tugas pelatih – pelatih termasuklah menemu-bual pelanggan yang datang, menghitung “the means test” serta memberi nasihat yang sewajarnya yang diperlukan dan sesuai setelah mendapat penjelasan/konformasi dari senior / peguam sukarela (VL). Pelatih juga bertanggungjawab memberi pendapat serta nasihat berkenaan pembukaan fail untuk kes yang memerlukan representasi secara segera ataupun tidak (“urgent or otherwise”).

Satu masalah serius yang berterusan didalam LAC adalah ketiadaannya peguam yang berkelayakan (VL) yang hadir secara fizikal untuk pemerhatian pelatih-pelatih. Untuk mengatasi masalaah ini Pusat ini terpaksa, disebabkan tiada alternatif lain, mendapatkan bantuan daripada Peguam yang bersetuju untuk dihubungi di pejabat mereka atau di telefon bimbit mereka, atau yang mana yang berkenaan. Dari satu segi, ia dapat membantu Pelatih berkenaan supaya dapat memberi huraian serta pendapat (“advice”) yang berpatutan. Namun ia juga menyumbang kepada kenaikan jumlah bil telefon Pusat ini! Tidak perlu dinyatakan di sini samada atas dasar on-call atau sebaliknya, kami sememangnya memerlukan lebih ramai peguam sukarela dari majlis Peguam KL untuk tampil ke depan dan menjadi pemerhati dan secara tidak langsung menjadi sukarelawan (“volunteer”) kepada klinik kita ini.

Selain fungsi biasa LACC, pada 14 Julai 2002, LACC bersama-sama dengan People’s Progressive Party (PPP) telah menganjurkan satu klinik outreach di Sentul. Walaupun niat dan idea penganjuran tersebut adalah sangat berpatutan, akan tetapi klinik ini tidaklah berapa berjaya dari segi pengendaliannya serta “focus / target group” dimana

kebanyakan yang hadir adalah dari lingkungan yang berpotensi serta berpendapatan. Tetapi, LACC amat terhutang budi diatas sokongan serta galakan yang telah ditampilkan oleh sebilangan Peguam Sukarela yang memberi kelapangan masa walaupun ia di buat pada petang Ahad.

Dalam pada itu dan melihat kepada aktiviti-aktiviti akan datang, Jawatankuasa kini berhajat untuk mencari modul-modul latihan untuk membekalkan kaedah yang lebih berstruktur serta sistematik dimasa hadapan. Jawatankuasa ini juga berharap dapat memformulakan modul yang lebih interaktif menekankan kepada teknik-teknik menemu-bual dan jika mungkin, dalam lakon-peranan bertekankan atas teknik temu-bual secara sentitif dan peka kepada kehendak serta keperluan para pelanggan yang datang. Jawatankuasa berharap formula yang lebih baik dalam latihan dapat membantu pelatih dalam mengendalikan pelanggan dengan lebih bijak dan efisien.

Akhir kata Jawatankuasa ini dan secara spesifik, Ketua Projek ingin mengucapkan rasa penghargaan dan terima kasih kepada semua kakitangan Pusat ini yang secara lansung ataupun tidak langsung menyumbang kepada kejayaan Klinik ini dan secara khas, Cik Sheena Koordinator Program Kinik ini, yang memberikan sumbangan serta dedikasinya dalam memastikan keberkesanan serta efisyensi Klinik ini.

4. PROGRAM DOCK BRIEF

Disediakan oleh Ketua Projek, Baljit Singh Sidhu

Ahli Jawatankuasa; -

Baljit Singh Sidhu - Ketua Projek

Hanif Hashim

Kamarul Zaman Hj Abdul Rahman

Mary Song

Ramlah Begum

Suresh Danapala Singam

Jawatankuasa Dock Brief telah mengambil satu langkah khusus dalam melaksanakan Program Dock Brief di mana ianya melibatkan latihan kepada para pelatih dalam kamar di dalam bidang perwakilan kes jenayah di Mahkamah. Pada awal tahun 2002 permintaan untuk menyertai Program Dock Brief adalah amat menggalakkan.

Jadual di bawah ini menunjukkan kes-kes yang dikendalikan oleh para pelatih dalam kamar yang menyertai program Dock Brief dan mengucapkan terima kasih kepada para pegawai yang telah memberikan kerjasama mereka.

	2000	2001	2002
Nasihat	1243	1147	1916
Permohonan Jamin	21	10	14
Nasihat & Perwakilan Mitigasi	2774	6	4344
Fail dibuka	12	6	3
JUMLAH	4050	5727	6277

Secara umumnya, angka-angka di atas menunjukkan peningkatan besar dalam jumlah kes yang dikendalikan oleh para pelatih dalam kamar dalam memberikan nasihat dimana peningkatan besar kepada 1,916 pada tahun 2002. Walau bagaimanapun, dalam permohonan ikat jamin, penyertaan oleh para pelatih masih rendah. Jawatankuasa berpendapat bahawa perbezaan ini amat ketara dan langkah-langkah haruslah diambil untuk mengatasinya. Pelatih dalam kamar digalakkan seboleh mungkin untuk memberikan perhatian yang lebih kepada permohonan ikat jamin untuk memberitahu orang yang didakwa dan ahli keluarga mereka tentang kepentingan ikat jamin. Jawatankuasa berharap agar dari tahun ke tahun lebih ramai pelatih akan mengambil peluang untuk menyertai dalam permohonan ikat jamin.

Jawatankuasa telah beberapa kali mengadakan perjumpaan secara tergesa dengan Majistret, Pegawai Pendakwaraya dan Pegawai Polis yang bertugas di lokap dan Mahkamah dengan harapan untuk melicinkan proses perwakilan. Jawatankuasa ingin mengucapkan terima kasih kepada semua pegawai yang telah memberikan kerjasama mereka.

Walaupun ramai pelatih yang memilih untuk menyertai program ini tetapi kebanyakan daripada mereka masih tidak

mempunyai 'locus' untuk muncul dihadapan Majistret. Sebagai keputusannya, ramai yang tidak dapat menyertai program perwakilan secara langsung.

Jawatankuasa telah mengambil beberapa langkah dan perhatian yang khusus terhadap tata tertib dan disiplin di kalangan pelatih terutamanya cara-cara yang betul dalam mengendalikan kes di dalam mahkamah. Secara umumnya, kehadiran telah diperbaiki dan Jawatankuasa menerima aduan yang amat sedikit.

Untuk mengelakkan pertindihan kerja, Ahli-ahli Jawatankuasa telah menetapkan tugas khas kepada setiap ahli seperti berikut: -

1. Ketua Projek - Baljit Singh
2. Hanif Hashim - membuat penyelarasan dengan Pegawai Pendakwaraya untuk mendapatkan tindak balas serta aduan.
3. Kamarul Zaman Hj Abdul Rahman - membuat penyelarasan dengan Majistret yang menerima tindak balas serta aduan.

Jawatankuasa telah beberapa kali mengadakan mesyuarat dengan harapan untuk memperbaiki program dan persembahan pelatih, disiplin dan kehadiran. Semua aduan dan kelemahan telah dibincangkan di dalam mesyuarat. Usaha-usaha telah dibuat secara berterusan untuk memperbaiki program ini.

Pelatih Dock Brief untuk sesi 28 & 29 juga telah mengadakan Sesi Perjumpaan Bersama dengan Pegawai Pendakwaraya dan Ahli Jawatankuasa Dock Brief di bangunan Mahkamah.

Pada 25 Oktober 2002, Hakim Mahkamah Sesyen dan Majistret telah datang ke Pusat Bantuan Guaman dan telah memberikan satu ucapan ringkas/perbincangan kepada pelatih dalam kamar tentang Prosedur dan Etika di Mahkamah. Perbincangan ini akan diadakan lebih kerap pada masa akan datang dan menerima tindak balas yang amat baik.

Jawatankuasa ingin mengucapkan terima kasih kepada semua yang terlibat dalam perkara ini yang telah menyumbangkan idea, masa dan tenaga dalam memastikan program ini dapat memberikan manfaat kepada para pelatih dan juga orang yang kena tuduh.

5. PROGRAM KESEDARAN UNDANG-UNDANG (ORIENTASI)

Disediakan oleh Ketua Projek, Charles Hector

Ahli Jawatankuasa

Charles Hector - Ketua Projek
N. Surendran - Pemangku Ketua Projek
Stanley Sinnappen
Sharmini Thiruchelvam
Salbiah Ahmad
Brian Law
Marlene Blanche Culas

Objektif

- Untuk membimbing pelatih-pelatih dalam kamar dan peguam-peguam mengetahui dan menyedari tanggungjawab serta peranan sebagai seorang peguam dalam masyarakat Malaysia
- Untuk meningkatkan kesedaran terhadap tanggungjawab sosial terutamanya yang berkaitan hak asasi manusia, sistem perundangan dan keadilan
- Untuk menimbulkan kesedaran dan kefahaman terhadap permasalahan dari aspek sosial, ekonomi dan politik yang memerlukan pertimbangan perundangan dan sebaliknya
- Untuk menerapkan dan meningkatkan komitmen dalam tempoh jangka panjang terhadap bantuan guaman dan meningkatkan keadilan yang mana melebihi 14 hari daripada yang diwajibkan semasa menerima latihan dalam kamar
- Untuk melahirkan peguam yang "...mempertahankan keadilan tanpa mengira perasaan takut dan pilih kasih..." dan menyemai perasaan kebersamaan terhadap keluarga peguam keseluruhannya seperti Pusat

Bantuan Guaman, Jawatankuasa Peguam Kuala Lumpur dan Majlis Peguam Malaysia

Program-program

- A. Program Suaikenal Untuk Pelatih-pelatih Dalam Kamar
- B. Ceramah Kesedaran Sosial dan Undang-undang
- C. Latihan Kepada Fasilitator
- D. Latihan Kepada Para Peguam

1. Program Suaikenal

Pengisian Program

- Pengenalan & Sesi Suaikenal
- Menganalisis Nilai/Keutamaan
 - Secara Individu dan Berkumpulan
- Realiti di Malaysia, Penilaian Secara Kritikal dan Pembaharuan
- Peranan/Tanggungjawab & Harapan Sebagai Peguam

Alternatif: Memahami Hak Asasi Manusia, Hak Asasi Manusia dalam Perlembagaan Persekutuan, Realiti Kebebasan di Malaysia – Peranan dan Tanggungjawab Sebagai Peguam

- Apa itu Bantuan Guaman? Hubungan antara Bantuan Guaman dan hak Asasi Manusia (60 minit)
- Penutup dan Resolusi Secara Kolektif (30 minit)

Pelaksanaan :- Penyertaan

Kami menyarankan peserta-peserta untuk berkongsi pengetahuan dan pendapat secara aktif dan belajar dari pengetahuan orang lain

Pelaksanaan Penyertaan – mengutarakan perkongsian dan merangkumkan pengetahuan secara berkumpulan, di mana sumber pengetahuan itu datangnya daripada pengalaman dan pengetahuan individu itu sendiri – sedikit input diberikan untuk mengatasi jurang perbezaan)

Sebaliknya pelaksanaan secara “banking” – menganggap peserta-peserta adalah seperti gelas-gelas yang kosong yang menanti untuk diisi dengan ilmu dari bekas air yang dipenuhi dengan ilmu pengetahuan dimana ianya datang daripada orang-orang yang berilmu

Keperluan : Kumpulan yang Dinamik, perbincangan dan input-input ringkas

Sehingga 31/12/02, 10 sesi telah berjaya diadakan untuk pelatih-pelatih dalam kamar. Keseluruhan 640 orang pelatih telah menghadiri sesi-sesi tersebut dan penyertaan mereka amat menggalakkan.

Berdasarkan kepada penilaian, pelatih-pelatih dalam kamar yang menghadiri sesi suaikenal telah diingatkan tentang faktor yang mana terdapat banyak orang susah, miskin dan yang memerlukan pertolongan dari segi representasi dan terdapat kekurangan peguam dalam memberi dan menghulurkan bantuan tanpa mengambil kira apa-apa balasan. Pelatih-pelatih dalam kamar lebih sedar tentang tanggungjawab kepada masyarakat sebagaimana yang termaktub di dalam Akta Profesion Undang-undang.

B/C/D –Program-program yang dijangka untuk dilaksanakan di masa hadapan.

Lain-lain perbincangan untuk tahun tersebut termasuk seperti berikut :

- Untuk menganjurkan ceramah/forum berkaitan Isu-isu Sosial serta yang melibatkan perundangan – ceramah ini akan dianjurkan kepada pelatih-pelatih dalam kamar, peguam-peguam dan kepada orang ramai bilamana bersesuaian.
- Menganjurkan program latihan kepada peguam-peguam.

KELEMAHAN & PENYELESAIAN

1. Sesi suaikenal memerlukan seseorang itu dilatih sebagai fasilitator. Bukan sahaja kebolehan yang diperlukan TETAPI yang lebih penting, apa yang diperlukan adalah seseorang yang mempunyai etika yang baik, dapat membezakan keadilan dan hak asasi manusia serta bermotivasi.
2. Buat masa sekarang, beberapa orang sedang dilatih untuk menjadi fasilitator TETAPI latihan akan mengambil masa yang panjang. Fasilitator Baru juga sedang menjalani 'hands-on training'. Mereka sekarang mengendalikan sebahagian daripada sesi tersebut dan selepas itu masa diluankan untuk menilai pencapaian dan mencadangkan pembaharuan kepada mereka
3. Pelatih-pelatih dalam kamar yang mendaftar di pusat ini tidak menentu –oleh yang demikian, pada sesetengah waktu terdapat terlalu kurang pelatih untuk sesuatu sesi (jumlah ideal adalah 45-60) ataupun kadangkala terlalu ramai.
4. Pada masa sekarang pihak jawatankuasa membahagikan pelatih-pelatih dalam kamar kepada pelbagai bentuk Klinik Bantuan Guaman, di mana semasa ataupun selepas menghadiri Sesi Suaikenal. Pada masa sekarang, dicadangkan untuk membuat beberapa perubahan :
 - a) Apabila pelatih-pelatih dalam kamar mendaftar di pusat ini, mereka akan didedahkan dengan pelbagai bentuk klinik pusat bantuan guaman
 - b) Untuk menjelaskan tentang apa yang telah dilaksanakan di klinik-klinik yang berbeza, pelatih-pelatih dalam kamar adalah dinasihatkan supaya berinteraksi dengan staf Pusat Bantuan guaman yang berkaitan dan juga pelatih-pelatih/ peguam-peguam yang lain yang sedang atau telah melaksanakan klinik tersebut
 - c) Pelatih-pelatih dalam kamar akan diminta untuk mengisi dan mengembalikan borang tersebut dengan segera beserta pilihan mereka dalam tempoh tujuh (7) hari terus kepada Pusat Bantuan Guaman atau kepada staf yang bertugas.
 - d) Selepas itu, jawatankuasa akan menempatkan pelatih-pelatih kepada pelbagai klinik bantuan Guaman dan akan memaklumkan pelatih-pelatih melalui surat
- Cara pelaksanaan yang baru ini akan lebih efisien dan efektif
5. Sukarelawan untuk jawatankuasa adalah ramai TETAPI apabila diminta untuk menghadiri mesyuarat (atau untuk penglibatan di dalam sesi-sesi), jumlah yang hadir adalah sedikit.
6. Cara penyelesaiannya adalah mungkin dengan mengadakan sesi untuk meluaskan cara suaikenal dan visi ahli-ahli jawatankuasa (dan juga fasilitator-fasilitator baru) – sesi hujung minggu sedang dalam pertimbangan.
7. **Rujukan Fasilitator** – En. Charles Hector telah berusaha menerbitkan Rujukan Fasilitator yang lengkap untuk Sesi Suaikenal. Rujukan yang lengkap ini akan dapat memudahkan fasilitator-fasilitator untuk mengendalikan sesi-sesi tersebut. Rujukan itu seterusnya akan dibaiki

Nota Penutup

Sehingga 31/12/02, 10 sesi telah berjaya diadakan untuk pelatih-pelatih dalam kamar. Keseluruhan 640 orang pelatih telah menghadiri sesi-sesi tersebut dan penyertaan mereka amat menggalakkan.

Setinggi-tinggi penghargaan diberikan kepada semua yang dapat meluankan masa kerja mereka untuk membantu menjayakan sesi suaikenal tersebut, terutamanya En. Stanley Sinnappen, Cik Marlene Culas, En. Brian Law dan Cik Sharmini Thiruchelvam.

Setinggi-tinggi penghargaan juga seharusnya diberikan kepada Cik Sheena, staf Pusat Bantuan Guaman yang ditugaskan untuk Jawatankuasa ini, di atas masa dan usaha yang diberikan untuk program tersebut.

Ucapan terima kasih juga buat En. Surendran dimana tanpa bantuan dan sokongan beliau yang berterusan jawatankuasa ini tidak akan dapat mencapai apa yang sepatutnya dicapai pada hari ini.

Jutaan terima kasih juga buat Cik Jayaletchumi Rajaretnam dan Pihak Pengurusan Pusat Bantuan Guaman, En.

Ragunath Kesavan dan Jawatankuasa Peguam KL untuk sokongan yang diberikan buat jawatankuasa ini dan program-program yang dijalankan sepanjang tahun 2002, dan kami berharap agar sokongan ini akan berterusan untuk menguatkan serta meningkatkan pada tahun 2003.

6. PROGRAM PENJARA SUNGAI BULOH

AHLI JAWATANKUASA PROGRAM PENJARA SUNGAI BULOH

Encik Sivanesan Nadarajah - Ketua Projek
Encik Ramesh Lachmanan
Encik S Muhendran
Encik A Balakisanan
Cik M Kamalan

Pengenalan

Klinik Penjara Sungai Buloh memulakan operasinya sejak bulan Disember 1997. Objektif klinik ini adalah untuk:-

- (i) menyediakan perkhidmatan/bantuan guaman kepada banduan-banduan reman di Penjara Sungai Buloh;
- (ii) meningkatkan kecekapan peguam-peguam (pelatih dalam kamar);
- (iii) mencari jalan dan cara-cara terbaik untuk mengurangkan bilangan banduan-banduan reman di Penjara Sungai Buloh;
- (iv) memastikan terdapatnya peguam-peguam sukarela yang mencukupi untuk memberi nasihat guaman;
- (v) memastikan satu mekanisme yang efektif di Penjara Sungai Buloh untuk mengawasi kemajuan perkara-perkara yang dikendalikan oleh klinik.

Perlaksanaan

Untuk mencapai tujuan di atas, pelatih-pelatih dalam kamar ditugaskan secara bergilir untuk bertugas pada setiap selang hari Sabtu selama tiga (3) bulan dengan melawat Penjara Sungai Buloh untuk menemuramah banduan-banduan reman di situ. Dalam masa setiap tempoh tersebut, pelatih-pelatih dalam kamar dilatih dan dibekalkan dengan buku panduan latihan yang mengandungi maklumat berkenaan Mahkamah-Mahkamah, panduan mengenai kesalahan-kesalahan yang kerap dilakukan dan maklumat-maklumat lain yang berkaitan. Sekumpulan dua puluh (20) dan dua (2) penyelia sukarela akan menemuramah purata enam puluh (60) tahanan-tahanan pada setiap sesi. Pelatih-pelatih dalam kamar juga membuat tindakan susulan di Pusat Bantuan Guaman berdasarkan temuramah-temuramah yang telah dibuat. Tindakan-tindakan susulan adalah seperti berikut:-

- menghubungi ahli-ahli keluarga berkenaan perkara-perkara berkaitan ikatjamin
- merujuk kes-kes yang berkaitan ke Program Dock Brief
- merujuk kes-kes dari negeri-negeri lain ke Pusat Bantuan Guaman negeri-negeri yang berkenaan
- merujuk kesalahan-kesalahan berat ('*capital offences*') ke Skim Peguam Lantikan Mahkamah
- berhubung dengan peguam-peguam sukarela berkenaan status fail-fail.

Kekuatan dan Kelemahan

Dari 1 Januari 2002 hingga 31 Disember 2002, klinik ini telah menemuramah seramai 896 banduan-banduan reman. Daripada jumlah 896 orang yang ditemuramah itu, hanya 89 fail sahaja dikendalikan oleh peguam-peguam sukarela untuk mewakili orang yang tertuduh di Mahkamah. Sebanyak 373 kes telah dirujuk ke Program Dock Brief untuk mitigasi dan permohonan ikat jamin. Selain daripada itu, sejumlah 245 kes telah dirujuk ke Pusat-Pusat Bantuan Guaman negeri lain manakala nasihat hanya diberikan dalam baki 189 kes.

Klinik ini juga menghadapi kekurangan dalam kualiti perkhidmatan yang diberikan kepada banduan-banduan reman dalam skop yang berikut:-

1. Ketidakkampuan pelatih-pelatih dalam kamar untuk mengambil/menyalin fakta-fakta yang betul/relevan dari tahanan-tahanan, fakta-fakta tidak teratur dan Kertas Temuramah tidak lengkap;
2. Ketidakecekapan pelatih-pelatih dalam kamar dalam memberi nasihat-nasihat yang sewajarnya kepada tahanan-tahanan;
3. Pusat ini tidak mampu untuk menangani jumlah kes-kes yang akan diberikan kepada peguam-

- peguam sukarela untuk representasi di Mahkamah atas alasan kekurangan peguam-peguam sukarela;
4. Pusat ini jarang mendapat maklumbalas berkenaan kes-kes yang dirujuk ke Pusat Bantuan Guaman di negeri lain.

Cadangan

Klinik ini harus melihat objektif jangka panjang program ini:-

- dalam mengurangkan jumlah tahanan-tahanan reman di kalangan segmen masyarakat yang berpendapatan rendah;
- memastikan bahawa tahanan-tahanan reman tidak berada di dalam Penjara Sungai Buloh lebih daripada tiga (3) bulan;
- memastikan bahawa tahanan-tahanan reman mendapat nasihat-nasihat yang betul untuk membolehkan mereka membuat keputusan yang tepat/bermakluman;
- meningkatkan kerjasama dan hubungan yang erat dengan pihak atasan.

7. KLINIK PENJARA WANITA KAJANG *Laporan disediakan oleh Cik Ramlah Begum*

Ahli Jawatankuasa
Cik Mabel Yong

Pengenalan

Klinik ini telah ditubuhkan pada dua setengah tahun yang lepas. Tujuan utama penubuhan Klinik ini adalah untuk menyediakan kepada tahanan-tahanan daripada Utara dan Selatan tanah air di Penjara Wanita Kajang dengan bantuan-bantuan yang berikut: -

- a) Menyediakan nasihat perundangan bagi setiap kes-kes individu
- b) Menyampaikan maklumat-maklumat kepada para tahanan
- c) Menyediakan perwakilan perundangan di atas permintaan mereka kerana para tahanan ini adalah kebiasaannya mereka yang ditahan reman
- d) Menyediakan sokongan moral dan dorongan kepada para tahanan memandangkan mereka tidak akan bertemu dengan sesiapa pun melainkan pegawai-pegawai penjara dan juga tahanan-tahanan lain di penjara kerana mereka tidak mengetahui apa yang bakal terjadi

Lain-lain

Pusat juga akan menghubungi setiap Kedutaan yang berkaitan untuk memaklumkan kepada mereka tentang kewujudan tahanan asing yang direman kepada negara-negara yang berkenaan untuk mereka mengambil tindakan yang sepatutnya dan Pusat juga akan merujuk kes-kes yang melibatkan tahanan-tahanan daripada negeri lain kepada cawangan-cawangan Pusat Bantuan Guaman Majlis Peguam yang berkenaan untuk membolehkan mereka membuat tindakan susulan.

Jumlah kes-kes yang dilayan

Jumlah klien	206
Rujuk kepada Program Dock Brief (Mitigasi & Permohonan Jamin)	74
Kes yang diserahkan kepada peguam	16
Rujuk kepada lain-lain Pusat Bantuan Guaman	
- Melaka	7
- Johor Bharu	36
- Kuantan	13
- Selangor	39
Nasihat Sahaja	21

Kelebihan-kelebihan

Kekuatan utama klinik ini adalah pada kerjasama daripada pihak-pihak yang terlibat iaitu Pusat Bantuan Guaman dalam melaksanakan klinik ini terutamanya Penyelia-penyelia (peguam sukarela), pelatih-pelatih dalam kamar dan juga pihak Penjara Wanita Kajang. Kedua-dua pihak telah bekerjasama hampir sekurang-kurangnya dua tahun setengah untuk menyediakan bantuan perundangan kepada tahanan-tahanan di Penjara yang mana pasti tidak akan diwakili dan tidak akan diberi peluang untuk melihat keadilan dilaksanakan.

Satu perjumpaan telah diatitkan di antara Ketua Projek, Ahli-ahli Jawatankuasa Klinik dan juga Pegawai-pegawai Penjara pada 13 September 2002 untuk membincangkan dengan lebih lanjut tentang perjalanan klinik dan juga mencari jalan untuk meningkatkan lagi mutu klinik ini.

Kelemahan

Sepertimana dalam klinik-klinik lain, klinik ini juga mempunyai kelemahan-kelemahan tersendiri iaitu: -

- a) Ketidakupayaan pelatih-pelatih dalam kamar untuk mendapatkan fakta-fakta yang sebaiknya daripada para tahanan dan mengambil terlalu banyak maklumat yang tidak tepat
- b) Kekurangan latihan dan pendedahan
- c) Kekurangan tindakan susulan terhadap borang temuduga disebabkan oleh: -
 - (i) Kekurangan maklum balas daripada setiap Pusat Bantuan Guaman dari negeri yang berkaitan terhadap kes-kes yang dirujuk kepada mereka (isu ini telah dibawa oleh Jawatankuasa Bantuan Guaman Kebangsaan dengan lain-lain Pusat Bantuan Guaman dan satu struktur garis panduan dalam bentuk surat untuk diluluskan oleh Pengerusi yang telah disiapkan untuk setiap Pusat Bantuan Guaman melaksanakannya)
 - (ii) Kekurangan peguam-peguam yang sudi untuk mengendalikan kes-kes reman

Cadangan-cadangan

- 1) Pendedahan dan juga latihan yang lebih kepada pelatih-pelatih dalam kamar
- 2) Mengadakan lebih banyak perjumpaan dengan lain-lain Pusat Bantuan Guaman bagi meningkatkan mutu klinik supaya dapat membantu orang awam
- 3) Untuk menambahkan lagi jumlah peguam-peguam sukarela untuk membantu dalam mengendalikan kes-kes
- 4) Untuk membuat cadangan dan juga mengubah undang-undang, berhubung dengan tahanan-tahanan reman.

8. KLINIK PERKHIDMATAN MAKLUMAT UNDANG-UNDANG LAC/AWAM

Laporan disediakan oleh Ms Sharmini Thiruchelvam (Ketua Projek)

Ahli-ahli Jawatankuasa

BCLACKL

Sharmini Thiruchelvam
R Shanmugam
Jayaletchumi Rajaretnam
Sharmini Selvarajah
Vasandi Kandasamy
Chuah Siang Chin

AWAM

Pushpa Ratnam
Manohari Subramaniam
Chen Lee Ping

A) Tindakan Susulan untuk Bengkel Seksyen 51, Akta Undang-undang Pembaharuan (Perkahwinan & Perceraian) 1976, yang diadakan pada 27 Jun 2001

Jawatankuasa Kecil Seksyen 51 LAC/AWAM ini telah diketuai oleh Jayaletchumi Rajaretnam, Manohari Subramaniam dan Pushpa Ratnam. Tanggungjawab Jawatankuasa ini termasuklah menyediakan laporan bengkel, memorandum dan laporan projek.

Mesyuarat-mesyuarat telah diadakan oleh Jawatankuasa Kecil Seksyen 51 pada 22 Mei 2002, 11 Jun 2002 dan 26 Jun 2002.

Jawatankuasa telah mengadakan perbincangan dengan Kementerian Pembangunan Wanita & Keluarga, Kuala Lumpur pada 16 Disember 2002 (Isnin) pada 9.30 pagi. Pada mesyuarat ini wakil-wakil daripada AWAM,

BCLACKL dan Kementerian Wanita telah mencapai satu persetujuan. Mereka telah membuat keputusan untuk mengadakan satu lagi mesyuarat Jawatankuasa Kecil di Kementerian pada 7 Januari 2003 dan tarikh cadangan untuk perundingan Seksyen 51 pada 8 April 2003.

Laporan tentang bengkel telah disiapkan dan diberikan kepada Kementerian Pembangunan Wanita & Keluarga.

B) Undang-undang Rogol

Pada bulan Mei 2002 AWAM telah mengadakan latihan untuk Pelatih-pelatih yang mana telah dihadiri oleh Chitrah Rajendran dan Norhazlina Mohamad (Pekerja Pusat). Ia merupakan sesi latihan selama 3 hari yang diadakan dari 17 Mei 2002, 18 Mei 2002 dan 19 Mei 2002 di Dewan La Salle, Petaling Jaya.

Fokus semasa latihan ini adalah kumpulan dinamik, Pemahaman tentang Jantina dan Seks, Pemahaman Definisi dan Teori Rogol, Dongeng dan Fakta, Pemahaman tentang Keganasan Terhadap Wanita menggunakan rangkakerja yang betul, kajian kes, sistem sokongan dan undang-undang yang berkaitan dengan rogol iaitu Kanun Keseksaan dan Sistem Mahkamah.

C) Program Pelatih Dalam Kamar

NO	PROGRAM	LATIHAN PERTAMA OLEH LAC	LATIHAN KEDUA OLEH AWAM	LATIHAN KETIGA TENTANG SYARIAH	ULASAN PERTEN- GAHAN	ULASAN PENGAK- HIRAN
1	4/2/01-3/5/02	31/1/02	8/2/02	9/2/02	14/3/02	-
2	29/4/02-26/7/02	4/5/02	24/4/02	3/5/02	11/6/02	18/7/02
3	22/7/02-18/10/02	25/7/02	17/7/02	23/7/02	3/9/02	10/10/02
4	14/10/02-10/01/03	10/10/02	8/10/02		26/11/02	7/1/02

D. Klinik Luar

Sebelum membuat Klinik Luar, Jawatankuasa Kecil telah mengadakan mesyuarat untuk menyiapkan logistik, program, persembahan, penceramah-penceramah dan sebagainya pada 4 Oktober 2002 pada 1.20 petang di Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur).

Jawatankuasa telah mengadakan Klinik Luar yang kedua di Rumah Panjang Jinjang Utara, Kuala Lumpur pada 27 Oktober 2002 (Ahad) dari jam 9 pagi hingga 2 petang bertempat di Pejabat Jawatankuasa Residen Jinjang Utara Kuala Lumpur.

Sukarelawan AWAM mempersembahkan lakonan tentang Pendaftaran Perkahwinan dan Keganasan Rumah Tangga. Selepas setiap persembahan lakonan, penceramah akan bercakap tentang makna pendaftaran perkahwinan dan Akta Keganasan Rumahtangga.

Peguam BCLACKL bercakap tentang isu-isu yang berkaitan dengan Pendaftaran Perkahwunan kepada mereka yang bukan beragama Islam, Hak-hak perumahan dan wakil dari AWAM pula bercakap tentang Akta Keganasan Rumahtangga.

Jawatankuasa telah menganjurkan satu lawatan ke kawasan yang berkaitan di mana satu penempatan baru telah dibina oleh pemaju. Keadaan rumah-rumah tersebut amat teruk dan tidak sesuai untuk diduduki.

Keseluruhannya seramai 15 orang peguam, 3 pekerja BCLACKL, 4 sukarelawan AWAM telah menghadiri sesi ini. Seramai 40 orang peserta telah menghadiri sesi pertama dan selepas ceramah Hak-hak Perumahan hanya tinggal 10 orang peserta sahaja untuk keseluruhan sesi. Majlis ini bolehlah dikatakan berjaya walaupun banyak perubahan harus dilakukan untuk sesi akan datang.

E. STATISTIK

Jaduan dibawah menunjukkan statistik tentang nasihat/pertolongan yang telah diberikan antara 2 January 2002 – 31 Disember 2002: -

NO	MASALAH	KLIEN YANG BERSEMUKA & TELEFON
	Serangan	2
	Lawatan Anak	1
	Anak Angkat	4
	Pembatalan Perkahwinan	1
	Mungkir Janji Untuk Berkahwin	1
	Muflis	2
	Sivil	9
	Proseding Komital	2
	Kaunseling	5
	Penukaran Agama	1
	Jenayah	1
	Penjagaan Anak	31
	Penjagaan Anak/Nafkah	5
	Perceraian	200
	Keganasan Rumahtangga	27
	Pekerjaan	16
	Penguatkuasaan – Nafkah	3
	KWSP	1
	Masalah Keluarga	12
	Gangguan	1
	Perumahan/Sewa	2
	Pendatang (Immigration)	4
	Penjagaan Sementara	1
	Pengasingan Kehakiman	10
	Akta Kelayakan Undang-undang	2
	Nafkah	34
	Harta Sepencarian	5
	Pekerja Asing	1
	Pencen	2
	Harta	7
	Pusaka	2
	Pendaftaran Perkahwinan	2
	Agama	3
	Rogol	1
	Rogol – Statutori	1
	Pencabulan	1
	Salah laku Seks	1
	Gangguan Seksual	1
	Syariah	27
	Tempat Perlindungan	5
	Pengesahan Perkahwinan	1
	Kes-kes Kebajikan	2
	JUMLAH KESELURUHAN	442

Jadual di bawah menunjukkan fail-fail yang dibuka untuk diwakili oleh peguam mulai Januari 2002 sehingga 31 Disember 2002.

NO	MASALAH	JUMLAH
1	PERCERAIAN	14
2	PENJAGAAN ANAK	1
3	NAFKAH	1
4	PENJAGAAN & NAFKAH	1
	JUMLAH	17

F. Pegawai Undang-undang

AWAM telah mendapat bantuan untuk tabung pegawai undang-undang yang berkhidmat secara kontrak. Pegawai undang-undang ini telah dipilih selepas menghadiri beberapa temuduga yang dijalankan oleh BCLACKL dan kakitangan AWAM dan Ms Pushpa Ratnam telah dilantik pada 1 April 2002.

Pada masa ini dia mengawasi Klinik LAC/AWAM tentang hal ehwal pelatih dalam kamar, perubahan undang-undang seperti seksyen 51 Akta Perubahan Undang-undang, Rogol dan sebagainya. Beliau juga sedang memperbaharui manual tentang undang-undang keluarga yang mana dikendalikan oleh klinik undang-undang.

9. KLINIK SYARIAH

Laporan disediakan oleh Ketua Projek: Cik Noor Suhaida Kasri

Ahli-ahli Jawatankuasa

Noor Suhaida Kasri (Ketua Projek)
Fahda Nur
Norhusniah Husin
Nik Nurul Atiqah Nik Yusof
Haslinda Sakhroni
Zulkifli Mohamed
Hazli Mat Hussin

Angka dibawah menunjukkan jumlah-jumlah klien yang dimana Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) kendalikan dalam kes Syariah:-

Jumlah pemohon klien Syariah	68
Fail dibuka (5 fail daripada pemohon tahun 2001)	23
Nasihat Sahaja	37
Nasihat - dirujuk kepada Biro Bantuan Guaman	4
Nasihat - dirujuk kepada lain-lain Pusat Bantuan Guaman	1
Tidak layak	7
Diluar kuasa	1

Klinik Syariah telah ditubuhkan untuk menyediakan khidmat nasihat perundangan kepada pihak-pihak yang terlibat dalam Mahkamah Syariah. Bagi membolehkan seseorang mendapatkan manfaat daripada klinik ini seseorang itu mestilah memenuhi beberapa kriteria yang telah ditetapkan oleh Pusat. Menjadi kepercayaan bahawa perlu bagi kami untuk menyediakan khidmat ini kepada sesiapa yang termasuk dalam ujian kelayakan dan juga untuk mempertahankan hak mereka dalam Mahkamah Syariah.

Klinik Syariah beroperasi di Sekretariat dan dibuka kepada orang awam daripada Isnin hingga Jumaat, 10.00 pagi hingga 4.30 petang. Syariah Klinik ini dikendalikan oleh Pelatih dalam kamar yang bertugas untuk menamatkan khidmat bantuan guaman yang menjadi sebahagian dari peraturan Majlis Peguam di dalam Program Perkhidmatan

Guaman. Setiap pelatih bertugas satu hari seminggu dalam jangka masa tiga bulan.

Pelatih dalam kamar diberi latihan separuh hari yang bertumpu kepada kaedah Syariah Sivil dan Jenayah Syariah. Mereka juga menjalani latihan satu hari bersama Klinik Bantuan Guaman yang memberi latihan asas teknik-teknik temuramah dan juga perbincangan mengenai undang-undang jenayah, undang-undang kerja dan undang-undang keluarga.

Klinik Bantuan Guaman beroperasi bersama dengan Klinik Syariah. Selain dari menemuramah anak guam syariah, pelatih juga membantu untuk menemuramah anak guam berkaitan hal-hal sivil. Pelatih, dengan bantuan peguam sukarela mampu untuk memberi nasihat kepada anak guam yang datang berurusan di Pusat ini. Namun demikian, bilangan anak guam masih kecil berbanding dengan klinik-klinik yang lain.

Jawatankuasa Syariah telah menganjurkan sesi perbincangan bertajuk 'Permohonan Ex-parte dan Perintah Sementara di Mahkamah Syariah' pada hari Sabtu 30 Mac 2002. Ahli panel terdiri daripada Tuan Haji Naim Mokhtar (Hakim Mahkamah Rendah Syariah Wilayah Persekutuan), Prof. Madya Dr. Zaleha Kamaruddin (Pensyarah Undang-undang, UIA) dan En. Abdul Razak Muhidin (Peguambela & Peguamcara, Pengamal Syariah) dan Pengulas untuk sesi ini adalah En. Muhammad Bin Burok (Peguambela & Peguamcara, Pengamal Syariah, Pengerusi Persatuan Peguam Syarie Malaysia). Penyertaan terdiri daripada Organisasi-organisasi kerajaan, PDRM, ahli-ahli akademik dan wakil-wakil dari Badan Bukan Kerajaan (NGO), pelatih-pelatih dalam kamar dan peguam-peguam.

Kami ingin mengambil kesempatan untuk mengucapkan ribuan terima kasih kepada pihak pengurusan, pekerja Pusat Bantuan Guaman, ahli-ahli Jawatankuasa, pelatih-pelatih yang mengambil bahagian dan sukarelawan dalam menjayakan Klinik Syariah ini.

10. JAWATANKUASA AUDIT & KAWALAN MUTU

Laporan disediakan oleh Ketua Projek: Mr Ngooi Chiu-Ing

Ahli-ahli Jawatankuasa: -

Ngooi Chiu-Ing (Ketua Projek)
A. Balakisan (Ketua Projek Alternatif)
Mohd Nazhan Noordin
Rashad Khan Sadar Khan
Kong Su Yin
Ong Wai Leong

Objektif Program

Klien kami adalah dari golongan yang susah dan terpinggir yang tidak mempunyai tempat untuk mengadu. Oleh yang demikian kami harus menyediakan khidmat yang terbaik buat mereka. Program ini bertujuan untuk menaikkan dan memastikan mutu perkhidmatan yang diberi kepada klien di Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur).

Aktiviti-Aktiviti

Aktiviti yang dijalankan oleh Jawatankuasa Audit & Kawalan Mutu bagi tahun 2002 termasuk Audit-audit: -

- | | | |
|------|----------------------------------|-------------------------------------|
| i) | Klinik Pusat Bantuan Guaman | 5 Julai 2002 |
| ii) | Program Dock Brief | 23 Julai 2002 dan 20 September 2002 |
| iii) | Sekretariat Pusat Bantuan Guaman | 5 Julai 2002 |
| iv) | Program Dock Brief – Latihan | 19 Oktober 2002 |
| v) | Klinik Sg. Buloh | 23 November 2002 |
| vi) | Klinik LAC/AWAM | 18 September 2002 |

Jawatankuasa telah melantik Ketua Projek dan ahli-ahli Jawatankuasa yang baru selepas sesi penyemakan pada April 2002.

Kelemahan

Pelaksanaan oleh jawatankuasa pengeshoran – memerlukan tindakan lanjutan dan penguatkuasaan oleh ahli panel.

Rancangan Masa Depan

- a) Sekurang-kurangnya satu audit setiap bulan untuk program/klinik

- b) Sekurang-kurangnya satu audit untuk setiap program latihan
- c) Semakan secara ringkas mengenai orientasi dan penilaian latihan dan membuat cadangan

Kesimpulannya, saya ingin mengambil peluang ini untuk mengucapkan ribuan terima kasih kepada Jawatankuasa Pengurusan, peguam-peguam sukarela, penyelia, pekerja Pusat Bantuan Guaman dan akhir sekali ahli-ahli jawatankuasa Audit & Kawalan Mutu.

11. PROGRAM KESEDARAN UNDANG-UNDANG

Laporan disediakan oleh Ngooi Chiu-Ing

Program Kesedaran Undang-Undang 2002 bertujuan untuk memberi tahu warga masyarakat berkenaan hak-hak mereka melalui penyiaran media cetak dan program reach-out.

Matlamat kami adalah seperti berikut:

- dengan menyediakan lebih ilmu pengetahuan, warga masyarakat dapat melindungi hak-hak mereka, sama ada secara individu atau dengan pertolongan orang lain
- menjawab persoalan yang biasanya diajukan oleh warga masyarakat dan dengan cara itu, tidak perlu bagi mereka untuk mendapatkan bantuan dari orang lain atau terus pergi ke LAC.

Penyiaran yang telah disediakan/sehingga ke tahun ini adalah seperti berikut:

- Risalah bertajuk "Arrest and Bail" (dalam 4 bahasa utama Malaysia) dan telah diterjemahkan dalam bahasa Bangladesh dan bakal diterbitkan oleh Tenaganita.
- Risalah bertajuk "Divorce and Marriage Problems" dan "Domestic Violence" (dalam Bahasa Inggeris) sedang diterjemahkan dalam Bahasa Malaysia, Bahasa Cina dan Tamil.
- Risalah dalam Undang-undang Syariah dalam bahasa Inggeris dan Bahasa Malaysia telah disediakan dan hanya menunggu penyiaran
- Risalah tentang asas Undang-undang Keluarga dan Keganasan Rumahtangga.

Kami telah menyediakan Laporan Website yang mana akan beroperasi dalam Website Ahli Jawatankuasa Peguam KL. Penyiaran risalah yang bersasaran untuk mereka yang lebih berkeistimewaan, juga dimasukkan di dalam website tersebut, dan hanya dalam bentuk "on-line".

Rancangan lain untuk tahun seterusnya termasuk yang berikut:

- Penyebaran penyiaran media cetak dan material-material.
- Meningkatkan kesedaran awam melalui klinik luar "outreach", seminar dan diskusi.

12. PROGRAM PERKEMBANGAN KEMAHIRAN

Laporan disediakan oleh Ngooi Chiu-Ing

Ahli-Ahli Jawatankuasa

C I Ngooi

Janice Lim

AWAM

Tenaganita

Semua Ketua Projek

Ahli Jawatankuasa mempunyai matlamat untuk mengembangkan/menambah kemahiran jurulatih dan pelatih dalam kamar untuk memastikan kualiti perkhidmatan yang disalurkan kepada klien-klien.

Matlamat:

- Melengkapkan dan memberi pendedahan kepada pelatih dalam kamar dengan kemahiran yang mencukupi
- Menyelaraskan latihan untuk pelbagai program bagi mengelakkan pengulangan/pertindihan
- Memperbaiki kualiti latihan, termasuk kemahiran jurulatih

Ahli Jawatankuasa bekerjasama dengan Jawatankuasa Audit & Kawalan Mutu yang mengaudit latihan (termasuk

jurulatih-jurulatih) dan projek-projek untuk mengenalpasti kelemahan dan seterusnya memberi cadangan-cadangan untuk peningkatan. Kualiti audit telah dilaksanakan pada Program Latihan Dock Brief.

“Tip Untuk Jurulatih” telah diagihkan kepada jurulatih-jurulatih untuk membantu mereka dalam memberikan mutu persembahan yang lebih berkesan.

Ahli Jawatankuasa telah mengenalpasti bahagian yang bermasalah dalam program latihan yang sedia ada seperti:

- Kurang perhatian daripada pelatih dalam kamar mungkin disebabkan oleh latihan berpanjangan selama satu hari dalam kumpulan latihan yang besar dan kaedah latihan secara syarahan dengan bantuan audio-visual yang tidak mencukupi
- Kurang disiplin daripada pelatih-pelatih dalam kamar yang tidak membaca manual yang disediakan sebelum menghadiri latihan walaupun manual tersebut telah diagihkan kepada mereka sebagai rujukan dan panduan untuk mengurangkan tempoh masa latihan
- Kekurangan jurulatih
- Jurulatih tidak terlatih secukupnya dalam latihan
- Struktur latihan tidak mencukupi dan berlakunya pertindihan antara jurulatih
- Kekurangan bantuan “audio-visual”

Ahli Jawatankuasa baru-baru ini melihat kepada pelbagai metodologi-metodologi lain untuk mengembangkan program latihan yang sedia ada seperti:

- Latihan gabungan dilaksanakan bersama Klinik LAC, Klinik Syariah dan Klinik AWAM untuk mengelakkan pengulangan dan pertindihan
- Sesi latihan berasingan diadakan separuh hari, bukan sepanjang hari
- Keputusan yang baik (atau tidak) bagi ujian pra-latihan yang dijalankan terhadap isi kandungan manual latihan akan diumumkan
- Pengambilan jurulatih yang lebih aktif
- Latihan untuk jurulatih
- Program latihan yang lebih interaktif di antara pelatih dalam kamar dan jurulatih dengan penekanan melalui lakonan “role-play” untuk mengembangkan kemahiran dan latihan dalam undang-undang untuk semua program
- Kompilasi modul-modul latihan untuk program-program LAC. Ketua projek diminta untuk menyediakan sukatan garis panduan
- Menyediakan bantuan visual “Power-Point”

Kekurangan lain: kurang kerjasama dan ketidakhadiran ketua-ketua projek dalam mesyuarat yang diadakan.

13. JAWATANKUASA GERAK KHAS JUVANA

Ahli Jawatankuasa:

Mr Ravi Nekoo

Ms K Parameswary

PROGRAM RUMAH REMAN JUVANA

Jawatankuasa Gerak Khas Juvana (JTFC) semenjak tahun lepas telah mengendalikan sebanyak 18 temuduga di Asrama Sentosa Sentul, Asrama Bahagia dan Sekolah Tunas Bakti Sg Besi.

Temuduga ini telah dijalankan pada hari Sabtu bekerja dan tertakluk kepada kebenaran yang diperolehi sekali seminggu dan kesediaan para juvana untuk ditemuduga.

Daripada 18 temuduga yang dijalankan itu, sebanyak 149 juvana telah ditemuduga daripada 3 pusat tahanan reman tersebut dan sebanyak 135 fail telah dibuka.

Jadual di bawah ini menunjukkan beberapa jenis kesalahan yang terlibat:

Jenis-jenis kesalahan: -

Didakwa di bawah Seksyen	Jumlah Juvana	Didakwa di bawah Seksyen	Jumlah Juvana
Sek.6/7 Akta Imigresen	4	Sek.379A KK	45
Sek.7(1) a (EOW)	1	Sek.392 KK	13
Sek.6 ADM	6	Sek.395	4
Sek.12(2)ADM	3	Sek.46(2)Akta Kanak-	2
Sek.12(3)ADM	3	Kanak	9
		Sek.397	
Sek.39A ADM	6	Sek.411 KK	39
Sek.25(1) (PPN)	18	Sek.447 KK	4
Sek. 41 (1) APJ	1	Sek. 448	4
Sek. 324 KK	1	Sek. 453	5
Sek. 354	2	Sek. 454 KK	2
Sek. 378	1	Sek. 456 KK	2
Sek. 380 KK	8	Sek. 457 KK	9
Sek. 379 KK	19	Sek. 6 ADM	6
Sek. 46 (1) Akta Kanak-Kanak	1	Sek 318 KK	1
JUMLAH			219

Pada bulan Julai JTFT telah menulis surat kepada Jabatan Kebajikan Masyarakat untuk berjumpa dengan Pengarah-pengarah dan Ketua-ketua Pusat untuk membincangkan tentang aktiviti0aktiviti lanjutan dan tindak balas daripada jabatan tersebut. Temujanji ini telah ditetapkan tetapi kemudiannya dibatalkan oleh jabatan tersebut kerana pengarah perlu menghadiri satu mesyuarat penting. JTFT masih menanti tarikh baru untuk perjumpaan tersebut.

Pengerusi JTFT telah beberapa kali menyertai Program Kesedaran Undang-undang yang telah dijalankan oleh Bahagian Hal Ehwal Undang-undang, JPM untuk remaja lelaki dan perempuan dibawah umur 18 tahun dengan menyediakan beberapa kertas kerja dan mengendalikan bengkel-bengkel di Konvensyen Hak Kanak-kanak. Sejumlah 450 remaja lelaki dan perempuan telah menghadiri program tersebut sepanjang tahun lepas.

Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) baru-baru ini telah melantik peguam sukarela untuk mewakili seorang remaja lelaki berumur 14 tahun yang telah ditahan reman di Penjara Kajang dan kemudian dihantar ke Hospital Bahagia untuk pemerhatian kerana telah membunuh seorang kanak-kanak perempuan berumur 6 tahun. Kes ini sekarang telah dipindahkan dari Mahkamah Sesyen Ampang ke Mahkamah Tinggi Shah Alam.

Pada 22 November 2002, semasa bulan Ramadhan JTFT telah menganjurkan satu Majlis Berbuka Puasa di Asrama Bahagia Kampung Pandan. Seperti biasa penyertaan daripada para peguam mengecewakan.

JTFT sedang merancang untuk berjumpa dengan Pengarah Bahagian Hal Ehwal Undang-Undang, JPM dan menimbangkan satu pendekatan baru untuk masalah keadilan juvana.

14. KLINIK PEKERJA ASING

Laporan disediakan oleh Ketua Projek Mr. S. Muhendaran

Ahli Jawatankuasa

S. Muhendaran (Ketua Projek)

Aegile Fernandez

Kemasukan pekerja dari luar untuk bekerja sebagai buruh kontrak untuk jangka masa yang tetap mempunyai sejarah

yang lama dalam negara kita. Perkembangan ekonomi yang pesat sejak akhir dekad ini menjadikan Malaysia sebuah negara pilihan kepada pekerja asing terutamanya Indonesia, Filipinam Bangladesh, Myanmar, Thailand dan sebagainya. Dengan penambahan bilangan pekerja-pekerja yang menjadi satu sektor dalam masyarakat kita yang mana tidak harus diabaikan.

Berada ditempat asing menjadikan mereka terdedah kepada bermacam-macam kehidupan yang 'asing' dan syarat-syarat pekerjaan di negara tersebut. Matlamat Klinik Pekerja Asing ialah untuk menyediakan bantuan guaman dan nasihat kepada kumpulan yang terpinggir.

Klinik Pekerja Asing bekerjasama dengan pertubuhan Tenaganita asing mengutarakan aduan-aduan oleh pekerja-pekerja termasuk penipuan oleh majikan-majikan dan agen-agen, gaji tidak dibayar, pemecatan tidak wajar, pekerja asing ditangkap kerana gagal menyediakan dokumen yang sah yang selalunya dipegang oleh majikan mereka dan sebagainya.

Pelatih-pelatih dalam kamar yang menjalani 14 minggu tugas wajib, mengendalikan Klinik di Tenaganita. 10-15 pelatih ditugaskan untuk program ini.

Pelatih yang bertugas akan menjalani latihan selama dua hari yang dikendalikan oleh Tenaganita. Mereka menyediakan latihan dari segi dokumentari, membuat laporan polis dan merangka surat kepada jabatan kerajaan yang berkaitan, memfailkan aduan kepada Jabatan Buruh dan Perhubungan Perusahaan. Mereka juga mengendalikan perbincangan dengan majikan-majikan dalam permasalahan gaji dan hal-hal yang lain.

Klinik Pekerja Asing telah membantu 1143 pengadu bagi tahun 2002 yang berkaitan dengan kes-kes seperti pelanggaran Akta Pekerjaan dan Kontrak Pekerjaan, kegagalan majikan untuk memperbaharui permit kerja, pekerja asing yang terkandas di Malaysia, ditipu oleh agensi Pengambilan Pekerja yang tidak sah, penangkapan dan penahanan, kes mencuri duit dan barang-barang persendirian, kehilangan pasport, kemalangan ditempat kerja dan lain-lain lagi.

Sejumlah 7 fail telah dibuka di Pusat Bantuan Guaman untuk perwakilan perundangan yang selanjutnya.

Butir-butir mengenai 7 kes tersebut adalah seperti berikut: -

- 1) 4 kes – Mahkamah Buruh Subang, Selangor
- 2) 2 kes – Mahkamah Buruh Kuala Lumpur
- 3) 1 kes – Mahkamah Buruh Rawang, Selangor

15. BCLACKL/PTF KLINIK PERKHIDMATAN MAKLUMAT UNDANG-UNDANG 2002
Laporan disediakan oleh En So Chien Hao (Ketua Projek)

Penasihat
En R Kesavan

Ahli-Ahli Jawatankuasa

Wakil-wakil BCLACKL
Cik Pretan Kaur
Cik Irene Yong
En Loh Wei Leong

Wakil Yayasan PT
En Hisham Hussein (Pengerusi)

Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur) bersama-sama dengan Pink Triangle Foundation (PTF) baru-baru ini menjalankan klinik undang-undang bulanan di premis PTF untuk kumpulan komuniti seperti penagih dadah, pekerja seks, pengidap AIDS/HIV, transeksual dan lelaki dan wanita yang homoseksual.

Klinik Perkhidmatan Maklumat Undang-undang BCLACKL/PTF menumpukan kepada enam komuniti dan juga orang awam disekitar Jalan Ipoh Kuala Lumpur. Klinik ini terletak di No. 7C-1, Jalan Ipoh Kechil, off Jalan Raja Laut, Kuala Lumpur. Klinik ini dibuka kepada orang awam terutamanya komuniti yang tersebut pada Sabtu ketiga setiap bulan daripada 3.00 petang hingga 5.00 petang yang mana diubah disebabkan ketiadaan peguam pemerhati untuk berada di PTF pada hari Jumaat sebagai hari yang asal. Pemerhati sukarela BCLACKL akan hadir di klinik ini

sepanjang sesi dibantu oleh kakitangan BCLACKL dan wakil-wakil PTF.

Fakta berkenaan Klinik dan Ahli Jawatankuasa

A) KLINIK PERKHIDMATAN MAKLUMAT UNDANG-UNDANG BCLACKL/PTF FOUNDATION

Klinik undang-undang baru-baru ini dikendalikan oleh 4 orang peguam yang berkecualan, So Chien Hao, Preetam Kaur, Loh Wei Leong dan Irene Yong secara bergilir-gilir di antara mereka setiap bulan. Di bawah adalah menunjukkan klinik bulanan yang dikendalikan pada tahun 2002: -

No	Klinik Undang-undang	Klien Hadir	Tema
1.	22 Mac 2002 (Jumaat)	10	Undang -undang Jenayah Am Penceramah: En So Chien Hao
2.	19 April 2002	4	Kad Pengenalan, Sijil Kelahiran Penceramah: Cik Preetam Kaur
3.	17 Mei 2002 (Jumaat)	6	Sek 27 Undang-undang Jenayah Syariah Penceramah: En Zaidi Zain
4.	22 Jun 2002 (Sabtu)	Tutup	Tutup
5.	17 Ogos 2002 (Sabtu)	3	Penceramah: En So Chien Hao
6.	21 September 2002 (Sabtu)	8	Penceramah: Cik Preetam Kaur
7.	27 Oktober 2002 (Ahad)	10	Penceramah: En Loh Wei Leong
8.	23 November 2002 (Sabtu)	1	Penceramah: Cik Irene Yong
9.	21 Disember 2002 (Sabtu)	2	Penceramah: En So Chien Hao

B. KURSUS PERMULAAN BCLACKL/PTF FOUNDATION UNTUK KAUNSELOR TELEFON & PARA SUKARELA

Jawatankuasa bersama dengan wakil PTF Foundation telah berjaya mengendalikan Kursus Permulaan untuk kaunselor telefon dan para sukarelawan pada 15 Disember 2002 (Ahad) di Bilik Seminar, Jawatankuasa Peguam dari 8.30 pagi hingga 5.30 petang. Telefon Kaunselor dan para sukarelawan PTF Foundation telah menghadiri sesi ini.

Sesi ini mengandungi 3 sesi. Sesi Pertama ialah Teknik-teknik Kaunseling yang dilatih oleh En Lim Soon Heng dan Sesi Kedua dikendalikan oleh Dr. L H Tan mengenai HIV/AIDS. Sesi Ketiga adalah mengenai Aspek Undang-undang yang mana En So Chien Hao telah menyentuh Hak-hak Lelaki Gay dan Tangkap dan Jamin. Sementara itu Loh Wei Leong telah mengendalikan Seksyen 377 Kanun Keseksaan, Preetam Kaur taklimat mengenai AIDS-Ujian Mandatori/Sulit dan Irene Yong telah mengendalikan isu-isu berkenaan dengan wasiat/benefisiari dalam konteks Insuran/KWSP/Pembahagian Harta.

Manual yang lengkap telah disediakan secara bersama dengan wakil-wakil PT Foundation dan BCLACKL yang boleh digunakan kemudiannya untuk pelatih-pelatih program sebagai material latihan.

Terdapat 23 peserta telah menghadiri sesi latihan ini. Sesi latihan ini mendapat penyertaan yang memberangsangkan oleh peserta-peserta dari PT Foundation.

C. PROGRAM PELATIH DALAM KAMAR

Jawatankuasa telah memutuskan untuk memberi pendedahan kepada pelatih-pelatih dalam kamar untuk mengambil bahagian di klinik undang-undang kami. Cadangan telah dibawa kepada panel pengurusan di mesyuarat pada 12 November 2002 (Selasa) dan ini telah dipersetujui. Dua sesi latihan akan dikendalikan untuk setiap kumpulan pelatih-

pelatih; kedua-dua PT Foundation dan wakil BCLACKL akan melatih pelatih-pelatih dalam sensitiviti dan isu undang-undang. Percubaan pertama kami untuk projek utama ini akan bermula pada April 2003 dengan 3 orang pelatih sebagai permulaan.

Jawatankuasa telah mencetuskan satu set kertas temuduga yang baru untuk kegunaan klinik ini dan baru-baru ini telah cuba untuk membuat poster dalam pelbagai bahasa tentang kinik undang-undang.

16. PENGURUSAN DAN PENTADBIRAN

1. Kewangan

Sejumlah RM 389,086.00 (Ringgit Malaysia Tiga Ratus Lapan Puluh Sembilan Ribu dan Lapan Puluh Enam) telah diluluskan oleh Jawatankuasa Bantuan Guaman Kebangsaan untuk penyelenggaraan Pusat ini pada tahun 2002.

2. Akaun Tahunan (sila rujuk kepada penterjemahan Inggeris untuk Audit Akaun)

3. Penghargaan

Kami merakamkan ucapan terima kasih dan penghargaan kepada Pendaftar-pendaftar, Majistret-majistret, Hakim-hakim Mahkamah Sesyen, Pihak-pihak Berkuasa Penjara Sg. Buloh dan Penjara Wanita Kajang, Jabatan Kebajikan, Majlis Peguam, Jawatankuasa Peguam, Ahli-ahli Majlis, Rakan-rakan NGO dan lain-lain pegawai Kerajaan, International Law Book Services, Sil Ad (KL) Sdn Bhd dan Lian Huat Stationers untuk sumbangan dan bantuan yang besar kepada Pusat Bantuan Guaman Majlis Peguam (Kuala Lumpur).



JAWATANKUASA PEGUAM KUALA LUMPUR
KUALA LUMPUR BAR COMMITTEE

Press Statement

The Kuala Lumpur Bar Committee ("KLBC") echoes the dissatisfaction of the Bar Council that the second draft of the Malaysian Academy of Law Bill was approved by the Cabinet on 6th March 2002 without seeking the views and comments of the Malaysian Bar. The Bar Council had issued an extensive Memorandum on the First Draft Bill on 9th August 2001. Although the Bar Council did not disagree in principle with the proposal for the establishment of the Academy of Law, the Council strongly opposed the first draft of the Bill as its objectives were clearly not compatible with the provisions of the *Legal Profession Act, 1976*.

The KLBC is concerned that such an important Bill was approved and may soon be passed as legislation without the Bar Council being appraised of its final form or informed whether its views as stated in the Memorandum had been accepted. Further to this, we are also concerned with the plans for the amendments to the Legal Profession Act 1976 as the proposed amendments have not been forwarded to the Bar Council for feedback and comments. Such actions would be a serious setback to a more effective, efficient and cordial working relationship between the important components of the justice system.

The KLBC urges the Honourable Minister Datuk Seri Utama Dr Rais Yatim to invite the views and comments from the Malaysian Bar on the second draft Bill and the proposed amendments to the Legal Profession Act 1976 before tabling it in Parliament.

Dated this 28th day of March 2002

RAGUNATH KESAVAN
Chairman
Kuala Lumpur Bar Committee



JAWATANKUASA PEGUAM KUALA LUMPUR
KUALA LUMPUR BAR COMMITTEE

PRESS STATEMENT

The Kuala Lumpur Bar Committee urges all members of the Kuala Lumpur Bar to attend the EGM of the Malaysian Bar on 31st May 2002 called by the Bar Council to discuss the Malaysian Law Academy Bill.

The Bar Council at the last meeting on 3rd May 2002 had unanimously rejected the setting up of the Law Academy as envisaged by the said Bill.

The Law Academy, in the manner proposed to be set up, seems to usurp the role of the Bar Council and the Malaysian Bar under the Legal Profession Act 1976.

The compulsory membership for all advocates & solicitors, regardless of whether one is in practice or not, seems to be in violation of Article 10 of our Federal Constitution, the freedom of association.

The composition of the governing body of the proposed Academy is undemocratic as there is no election and further there seems to be no provision for accountability of the leadership to its members.

There is no provision for general meetings to discuss account to members.

Further to this, members are required to pay annual fees to be determined by the Senate and monies collected and accounts, although would be distributed to members, would not be open to scrutiny.

The proposed Bill seeks to classify and create 4 categories of membership which is unacceptable and inappropriate.

We therefore urge all members of the Kuala Lumpur Bar to attend this important EGM and support the stand of the Bar Council in opposing the Malaysian Academy of Law Bill which may have serious ramifications to the legal profession and the role of the Malaysian Bar in upholding the rule of law.

Dated this 24th day of May 2002

RAGUNATH KESAVAN
Chairman
Kuala Lumpur Bar Committee



JAWATANKUASA PEGUAM KUALA LUMPUR
KUALA LUMPUR BAR COMMITTEE

PRESS STATEMENT

The Kuala Lumpur Bar Committee is appalled by the arrest, detention and subsequent charges levelled against Mr P Uthayakumar by the Public Prosecutor.

Mr P Uthayakumar is a member of the Kuala Lumpur Bar and we view with great concern the manner of his arrest and the subject matter of the charge against him for the alleged offence under Section 228 of the Penal code.

The Kuala Lumpur Bar Committee supports the Bar Council's position on this matter and reaffirms the call that all charges against Mr Uthayakumar be withdrawn immediately.

Dated this 27th day of January 2003

RAGUNATH KESAVAN
Chairman
Kuala Lumpur Bar Committee



JAWATANKUASA PEGUAM KUALA LUMPUR
KUALA LUMPUR BAR COMMITTEE

19th July 2002

To members of the KL Bar,

We are shocked and appalled by the recent statement by Mah Weng Kwai, the President of the Malaysian Bar as reported in Malaysiakini on 13th July 2002 with regard to the decision of the Federal Court in the Anwar appeal.

His statement as reported in Malaysiakini

'Mah said he believed the Federal Court would have set aside Anwar's conviction if it had found any improprieties in the proceedings of the lower courts.'

No miscarriages of justice found

But the Court of Appeal had found no miscarriages of justice and so did the Federal Court today. Anwar's trial has gone through the due process of law, and we need to respect the decision of the court.

I'm sure if there were any miscarriages of justice in the lower courts, the Federal Court would have rectified the matter today, as in the Zainur Zakaria case.'

This statement by Mah is contrary to the clear and consistent stand taken in 1999 by the Bar Council after the High Court had delivered its decision.

The statement of 16th April 1999 reiterated that

'the unusual manner in which the trial itself was conducted, for example, the refusal of bail; the expunging of evidence given on oath; preventing the accused from raising every possible and conceivable defence to state beforehand what evidence the defence sought to adduce through various witnesses; disallowing witnesses from testifying and making rulings as to the relevancy without first hearing the testimony, citing and threatening defence lawyers with contempt proceedings including sentencing a defence lawyer to three months' imprisonment for contempt while in the exercise of their legal duties, raise questions impinging on the administration of justice'.

The KL Bar Committee is of the view that the office bearers of the Bar Council should be responsible and accountable to the Bar Council and the Malaysian Bar. The office bearers should not at any time issue views or statements publicly contrary to the position of the Bar Council and Malaysian Bar.

If views expressed and positions held publicly is inconsistent with that of the Bar Council or of the Malaysian Bar, that office bearer should not embarrass the Bar Council and the Malaysian Bar by continuing to hold office.

The KL Bar Committee reiterates that we fully support and endorse the 1999 statement and the current statement of 16th July 2002 issued by the Bar Council.

Ragunath Kesavan
Chairman
On behalf of the KL Bar Committee

**A REPORT OF THE MEETING WITH THE KLANG SESSIONS COURT JUDGES AND MAGISTRATES
ON 17 MAY 2002**

The following were discussed both by the lawyers and the Court officers at the meeting.

1. ISSUES HIGHLIGHTED ON BEHALF OF THE LAWYERS

1.1 EXTRACTION OF DOCUMENTS

Issue: Extraction of documents, particularly draft orders, is taking more than a month.

Response: The Court was not aware of this problem until today and it will look into this. The problem may arise since some of the older files are stored in Segambut. Therefore, lawyers must file the draft order for approval within 2 weeks from the date of the order granted. It was suggested that lawyers should prepare draft orders in advance for uncontested matters. Should there be any problems, please write to Court personally.

The Court also raised the problem with draft orders being badly drafted. There were occasions when the Court had to re-draft draft orders extensively. Furthermore, there are lawyers who do not amend draft orders that are amended by the Court. Lawyers are reminded to state the Judge or Magistrate's name on the draft orders and not just to leave them blank. Lawyers were cautioned to be careful with their documents.

1.2 JUDGES AND MAGISTRATES ON LEAVE

Issue: Judges and Magistrates being on leave without informing the lawyers. Judges and Magistrates are requested to Inform lawyers in advance so that witnesses can be informed.

Response: Generally, lawyers are notified. However in cases where the Judges and Magistrates are on MC or Emergency Leave, it is impossible to give notice. This problem is recognized but this may be due to lack of permanent interpreters. Lawyers are advised to call the Court the day before to find out. It was suggested that a notice may be posted at the Selangor Bar Committee web site. The Court will look into this suggestion.

1.3 NOT ALL WITNESSES ARE AVAILABLE ON THE DAY OF THE TRIAL

Issue: The lawyers are facing difficulty in bringing all their witnesses to Court at the same time and request that their cases proceed with the witnesses who are available first. There is in particular, difficulty in getting investigating officers and specialists to attend Court.

Response: The Court is expected not to have more than 50 part-heard cases at any one time. The Court is under pressure to clear the backlog of the cases. To avoid backlogs, the Court would prefer to hear at least the Plaintiff's case. The Court is attempting very hard to hear cases expeditiously. It was suggested that witness statements be prepared.

1.4 INTERPRETERS

Issue: A shortage of Court interpreters.

Response: The Court acknowledged this problem. Currently both the Court interpreters are on leave. The Court clerk is in fact assisting with the interpreters' work. Interpreters are expected to come in June and July. The difficulty is with Chinese interpreters. Lawyers are requested to bear with the problem for the meantime.

1.5 CHARGES NOT BROUGHT UP

Issue: *Charges against an accused are not brought up at the same time resulting in problems with bail.*

Response: This is within the jurisdiction of the police and the police was not present at the meeting to explain this problem.

1.6 PART- HEARD TO BE CALLED FIRST

Issue: *Part- heard criminal cases are not called first.*

Response: The Court agreed that part-heard criminal cases should be given priority and be called first. The Court's inability to deal with these part-heard matters earlier may some times be attributed to the Court having to wait for the police. It was suggested that the Court should refrain from fixing too many cases on Thursdays and Wednesdays.

1.7 SHORT DATES

Issue: The adjourned hearing dates fixed by the Court can at times be too short resulting in clashes with other cases. Lawyers request for some flexibility from the Court.

Response: Lawyers may obtain an adjournment if they are double booked on a given day. However lawyers are reminded to write to Court at least 2 weeks before the hearing and to state whether their opponent objects to the request for an adjournment.

1.8 STRIKING OUT OF CASES

Issue: Lawyers request that cases are not to be struck out on the first call.

Response: The Court is sure that cases are not struck out on the first call. Usually cases are only struck out on the second call. Lawyers are reminded to inform the interpreters if they have cases in other Courts.

1.9 REPRIMAND IN CHAMBERS INSTEAD OF OPEN COURT

Issue: Lawyers have expressed their unhappiness about being reprimanded in open Court and request that reprimands be made in chambers.

Response: The Court maintains that usually if lawyers are reprimanded, there are valid reasons for doing so. The Court remarked that there have been improvements but this issue was duly noted.

1.10 ACCESS TO COURT

Issue: There is a problem in accessing the Court.

Response: The Court agreed to repair the staircase leading to the Court. The Selangor Bar Committee will write to Majlis Perbandaran Klang ("MPK") for the necessary consent. Upon receipt of the necessary consent from MPK, the Court will take the necessary action.

1.11 TOILET

Issue: The toilets are dirty.

Response: The Court will look into this.

2. ISSUES HIGHLIGHTED BY THE JUDGES AND MAGISTRATES

2.1 DOCK BRIEF

Issue: The Court noticed that there is a shortage of chambering pupils for the dock brief programme.

Response: The scheme is currently suspended but will be re-activated once the issue of representation of an accused by a pupil is resolved.

2.2 CORRESPONDENCE WITH COURT

The Court reminded lawyers to cite the case and Court number when writing to Court.

2.3 POSTPONEMENT

The Court reminded lawyers that when requesting for a postponement, lawyers must state whether the opposing lawyer has any objection to the request. It is easier to grant the adjournment if there is no objection. If lawyers wish to adjourn part-heard matters, they must write at least 2 weeks in advance.

2.4 BC BOX

Law firms must state the correct BC Box number on their Court documents. Lawyers are reminded to ensure that their BC Boxes are locked. There is a concern that the documents deposited in the BC Boxes may go missing.

3. It was a fruitful meeting that was conducted in a very cordial and friendly atmosphere.

Prepared by Abdul Rashid Ismail

**Kuala Lumpur Bar Committee**

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Circular No. KLBC 15/02

10th October 2002

Dear Members of the KL Bar,

Meetings with the Kuala Lumpur Sessions Court Judges, Magistrates, Registrars and Deputy Registrars and Land Office

We are pleased to inform you that your PRCL committee has had several meetings with the KL Lower Court Judges to sort out some of the difficulties and problems members have had with specific Courts. The general complaints received were taken up when the KLBC and PRCL committee met with all the KL Sessions Court Judges, Magistrates, Registrars and Deputy Registrars on the 28th of August 2002.

We compiled all the complaints and suggestions received and listed them down in categories. Specific members of the committee as well as the KLBC were assigned the task of raising various complaints at the meeting.

Much was discussed, however for brevity and expediency, we have condensed what transpired for your information and attention.

1. Appreciation

The Judges said at the start of the meeting that there had been a marked improvement in the relationship between the Bench and the Bar as well as in the administration of justice in the Lower Courts. They thanked us for our cooperation and quick response to their complaints and suggestions. They also stated that there has been an improvement among lawyers practising in their Courts. It was however agreed that there was room for further improvement.

2. Calling up hearing cases first

Last year we received complaints that lawyers came prepared for trial with their witnesses etc and were made to wait until all mentions were done, only to be told at about 12 noon that their case is adjourned to another date. We had asked the Court to call up hearing/trial cases first and inform Counsel whether the case will go on or that it had to be adjourned.

The Courts implemented our request. Judges said that they now call up hearing/trial cases first but found that lawyers were not present, sometimes only one lawyer is present, and often the witnesses are not present or on their way (in actual fact some do not turn up), and the Court cannot decide until they know for certain which case can go on.

We suggested that the Bench call up hearing/trial cases at 10 am instead of 9am, and also to stagger hearing/trial cases when they give the next date. The Judges said that they do stagger their cases but expressed that when queried on how long cross-examination or submission will take, the lawyers cannot say with certainty, therefore it is sometimes difficult to stagger.

With regard to calling hearing/trial cases at 10am, they will get back to us.

3. Cases struck off

We raised again the fact that cases have been struck off because the lawyer came late or was in another Court. We asked if the Court could reinstate the case if the lawyer appeared before the Judge on the same day. The Senior Judge said it was left to the discretion of each individual Judge. Puan Yamuna said that she does do that.

We also raised the fact that there were times when matters were struck off due to the Court's mistake, for instance when the case is taken off the list and a new date is given without informing parties. In another instance, on a hearing of an application to discharge by a defendant's solicitor and he failed to turn up, the whole suit was struck off. In such instances an oral application is more appropriate. We stressed that the parties should not be made to bear the additional cost apart from the delay and inconvenience.

The Bench said they would consider this proposal and revert to us. They did indicate that the rules may have to be amended.

4. Postponements/Requests for adjournment

We raised the problem members have when cases are fixed for 4 days and then all 4 days are vacated on the 1st day of trial. Outstation witnesses have taken the week off to be present and counsel has blocked off the diary for the trial. We suggested that if the case cannot go on, we be informed at the earliest opportunity to avoid the above. However if that is not possible and the case cannot proceed on the 1st day then at least ensure that it proceeds on the other days.

This suggestion was accepted and the Bench said that they would do their best to inform lawyers when they know in advance that a case will not be going on.

They asked the PRCL committee to provide the Registry with the names of the lawyers, firms and their telephone and fax numbers. We promised to provide them with our phone directory.

The Judges also asked us to inform our members that when they file any documents they should state as part of the endorsement their telephone and fax numbers.

Members please take note and ensure that all documents filed have both your telephone and fax numbers endorsed.

Judges also pointed out that on many occasions when they have fixed one case for the whole day, the lawyers concerned will invariably, at 12.30pm, ask for the afternoon to be taken off as they have other engagements and commitments. They reiterated that lawyers should be prepared to proceed in the afternoon. Though lawyers have been repeatedly told, they continue to ask for adjournments. **Members kindly take note of this.**

Judges said that lawyers have come and asked for adjournments in Court when they should have written in much earlier. There is a directive already sent out that anyone seeking a postponement should write in fourteen days before the hearing date. We were asked to ensure that any letter with regards to postponement is addressed to the relevant Judge or Magistrate (not the Registrar) and Court number stated.

5. Rejection of documents

We raised several complaints that clerks at the Counter are questioning lawyers why cause papers are filed at the eleventh hour and even rejecting documents at the counter. In one case a clerk refused to accept a Statement of Defence because the title stated "Di Wilayah Persekutuan" and not "Dalam Wilayah Persekutuan". Other instances include rejection of an affidavit for failure to state the deponent's occupation, or that no hearing/mention date is written at the top right hand corner, or rejection of summons where the defendant's address is not in Kuala Lumpur.

We mentioned that whatever the objection, the matter should be decided not by clerks at the counter but at the very least by a Registrar or in open Court.

The Judges responded that there were times when they were very strict, however they are now moving away from technicalities. Most of the situations mentioned have been dealt with and they have spoken to the clerks concerned. They have also told the clerks to refer the matter to the Registrar. In any event the Judges agreed that the clerks cannot reject documents.

6. Judiciary website and e-mail

We suggested that postponement of cases in the Courts can be put up at the KL Bar website which will be ready by the end of the year. We discussed the possibility of using the various means of communication between the bench, the KLBC and members. The Judges unanimously said that they prefer to use telephone.

7. Submissions

We raised the complaint that written submissions were now required for practically every application and case. The problem lawyers face is that they would have to cover every area, which may not be required by the Judge. In oral submissions, the Judge would be able to indicate the areas, with which she is in agreement and the areas that require elaboration.

The Judges however complained that often lawyers give lengthy oral submissions and in fact some lawyers read the whole case cited. They prefer written submissions as they can sieve through it and saves their time, as they have at least 30-40 mentions and 8-10 hearings a day.

We responded that the Judge should interject and tell counsel to move on. The Judges said that that may be a little difficult and they may be accused of being rude. They however did say that for applications, oral submissions would be sufficient. However after a full trial they would still prefer written submissions, especially when they have taken over part-heard cases.

At the PRCL committee level some members felt that written submission are good, it saves the lawyer's time and on some occasions lawyers are concerned that the Magistrate or Judge may not have recorded what a witness had said. In written submissions, lawyers can use their own notes and quote what the witness says. On appeal they can rely on their written submission.

Other members of your committee felt that the Court should not ask for written submission in every case. There is no room for advocacy and that's why a lot of younger members find it difficult to argue in the Appellate Courts, they have never had the experience in the Lower Courts. It was also pointed out that the lawyer would not know which area or what evidence is troubling the Judge and will have to submit on everything in writing, the reply would be equally lengthy. Added to that is the administrative aspect of filing, locating the file and setting another date. In the final analysis, it would consume a lot more time on the part of the Judge and the lawyers.

We are unsure as to what members generally want, kindly let us know by letter or e-mail your views on the above to enable us to act in accordance with the wishes of the majority of the members of the KL Bar.

8. Complaints against Judges

The Senior Judge said that we all have a good working relationship between the Bench and the Bar. He stressed that if there are any complaints about Judges or the administration of justice in the Lower Courts, it can be brought to his attention through the PRCLC or the KLBC. There were instances where lawyers complained directly to Datuk Seri Utama Rais Yatim and others. He expressed the hope that lawyers would use this avenue to resolve any difficulties or problems that they have. We assured him that we would inform members of his sentiments on the matter.

9. Cases filed on or before 1997

All cases filed on or before 1994 in the Magistrates Court have been transferred to Magistrate Court 9 to ensure that it is speedily dealt with. All cases filed on or before 1997 in the Magistrates and Sessions Courts will be given priority with the intention to complete all of them by the end of next year. There will be show cause letters sent out if the files have remained dormant for several months. The Judges requested us to advise our members to proceed with their cases diligently, as many times, the delays were caused by lawyers who do not take the next step in the proceedings or keep asking for adjournments. If lawyers have any problems with their files, they can utilise the enquiry counters set up and the Court will sort out the matter as soon as possible.

10. Recycled documents

Judges complained that there were actually documents filed in Court, which were recycled. In one instance, the reverse side of a statement of claim contained pictures downloaded from Internet. **Members please take note.**

11. Decorum

The Judges mentioned that lawyers sometimes speak rather rudely and said that there are ways of phrasing an objection without being offensive. We did inform the Judges that we have regular talks on advocacy and decorum. If the lawyer is really out of line, he/she can be referred to us and we will speak to the lawyer concerned.

12. Mentioning on behalf

Judges requested us to inform our members that only if they have a thorough knowledge of the file can they mention for another solicitor. There have been many instances where lawyers were not sure and have even on occasions misled the Court. We responded if a lawyer misleads the Court, we would like to be informed and assured them that we would take the appropriate action. However we also stressed that there may be instances like when a lawyer is not well or requires the matter stood down, another lawyer should be encouraged to assist in mentioning on that lawyer's behalf.

13. CC letters and letters to the Court

The Judges thanked us for reducing the number of cc letters to the Court. They stressed that the staff have no time to locate the files and insert these letters. Invariably the letters go missing or the file cannot be located for some time. In the month of August 2002 alone they received over 2000 letters and documents, other than pleadings. They asked us to stop sending letters to them unless it is absolutely necessary. We informed them that there may be times we have to copy the letter to them or write to them and gave instances. They then asked us to inform you to bring along a copy of the letter sent to Court with the proper acknowledgement or evidence of posting if you need to use the letter as evidence.

14. Files that go missing

In response to our complaint that files go missing, the Judges asked us to inform our members to go to the special counter set up if their file is unlisted, cannot be located or simply missing. The staff at the counter will record the file that is unlisted or missing in a record book, which the Judges will check and find out how and why this happens. The Judges asked for our cooperation in utilising the counters, as it will help them identify the problem and deal with it quickly. **Members please take note.**

15. Fast track for dependency claims

The Judges are proposing to give priority to 'accident cases' involving claims by dependents (widows, children and parents of a deceased person). We took note of the proposal and said that we will inform our members accordingly.

16. Criminal Division**i. Remand proceedings**

We raised the concern that remand orders were given as a matter of course and seemed to be a rubber-stamping exercise. The Judges responded that they are in the process of drafting practice directions and guideline for Magistrates and Registrars on this issue and have taken note of our concerns.

ii. Impersonation

The Judges raised concerns that there were incidences in the KL Criminal Courts of persons impersonating lawyers. The Judges

informed us that from now on they may be asking for details of lawyers appearing before them. They asked us to advise our members to inform the interpreter their name, their firm and the firm's telephone number, especially in criminal cases. **Members take note.**

iii. Discharge of Counsel

Judges in the Criminal Courts have problems with lawyers first appearing for the accused person and then refusing to turn up when a hearing date is fixed and all witnesses are present. The Court is informed by the accused person that he could not pay the balance fees and the lawyer refuses to turn up. The Judges were of the view that the lawyer concerned should be present and ask the Court leave to be discharged. The KLBC and the PRCLC agreed, to the extent that lawyers should be present and inform the Court that he wishes to withdraw, more as a matter of courtesy than a requirement of law. We assured them that we would inform our members of same.

iv. DPP/PO

We highlighted the concerns raised by members of the Bar and the public that in criminal cases the DPP/Police Officer sees the Magistrate without the presence of the Counsel for the accused. The Senior Judge immediately agreed that it is not the correct practice and that a direction has been given to all on the bench that they have to see both parties and not just one. If this happens again, we are to complain to him and action will be taken against the Magistrate/Judge concerned.

v. Watching brief

Counsel holding a watching brief have not been informed of changes or new dates. The Judges informed us that they will attend to this to ensure that all parties on record are properly informed.

vi. Prosecution unable to proceed

We raised the concern that on many instances the Prosecution was unable to proceed because they do not have the investigation papers and the case is adjourned unnecessarily and sometimes the accused is kept in remand for a longer period than necessary simply because he cannot provide bail. The Judges informed us that they would be having a meeting with the police and AG's Chambers in this regard.

vii. Chambering students

The Supervising Judge in the Criminal Division raised the concern that chambering students have appeared in his Court and failed to introduce themselves as chambering students. They cannot appear in Sessions Courts.

The Judges also mentioned that chambering students have not been properly briefed and are not conversant with the particular sections of the Penal Code, for example making submissions for mitigation and requesting no whipping when there were no provisions for whipping and instances when they have requested the Courts not to impose mandatory sentences.

We asked the Court to inform us of the chambering students concerned and we will take it up with their masters.

viii. Postponements

The Criminal Court Judges also raised the problem of lawyers requesting last minute postponements when the case is fixed for full trial for a few days. When the request is denied they apply to discharge themselves.

The Judges did indicate that they were making proposals to amend the Criminal Procedure Code to incorporate certain safeguards for the accused persons and the administration of justice in this regard.

Members kindly take note of the Judges' comments.

17. Meeting with the Pendaftar Hakmilik Tanah, Wilayah Persekutuan

There was a meeting held on the 5th of September 2002, as part of a series of meetings which the Land Office holds with lawyers, the Bar council, KLBC, PRCLC and lawyers' clerks.

The following are the matters raised/highlighted:-

- (i) The Registrar has pointed out that the time for registration of dealings has been increased from 7 days in 1999 to 6 weeks currently. The intention is to work towards 15 working days for registration of dealings.
- (ii) Difficulties encountered by the Land Office staff highlighted at the meeting are:

A lot of time is wasted answering very obvious questions. The example given is where lawyers request for confirmation that there are restrictions-in-interest when the title expressly states the same; where a clerk's oral advice is quoted in later correspondence for example, in cases where consent has not been granted and the counter clerk has said that chances of obtaining consent is high on appeal. The clerk's comments are quoted in the appeal.

This should not be done.

- (iii) Penalties for late presentation are decided by the Director General and not at the Registry level. As a result all appeals have to be decided by the DG and this takes time. Lawyers are reminded that in appealing for waivers or reduction of penalties, they must enclose a copy of the Memorandum of Transfer, state the date of adjudication, the date when the assessment was received and the date when payment was made. This will assist the DG in ascertaining the reason for the delay before deciding on the appeal.
- (iv) Form 14A – the Land Office is concerned that lawyers are making too many mistakes and amendments to the transfer documents whether due to spelling of names, IC numbers, dates, or wrong PA numbers. There has been an increase in the number of fraudulent transfers and one of the reasons may be due to these mistakes and amendments. The Land Office now requires a CERTIFIED COPY OF IC (NEW) OF TRANSFEROR AND TRANSFEREE to be attached to the Forms.

Please also note that mistakes once entered into the database cannot be corrected.

- (v) There has also been an increase in the number of lost titles. Applications for new titles take time especially with final titles where plans have to be obtained from the survey department. Currently where an application is made for a new title, a police report and statutory declaration is required. In addition, there is now a requirement for A CERTIFIED COPY OF THE IC (NEW) of the registered proprietor or ROC printout of the relevant Forms 24/49 and the Memorandum & Articles of the company.
- (vi) For applications for consent, a Certified True Copy of the title will suffice. If an application has been correctly made with relevant details, consent can be obtained within a minimum of 7 days. Where consent has been given subject to a time limit, any applications for extension should be made not less than 7 days before expiry of such time limit.
- (vii) Where quit rent has been paid by cheque, the transactions cannot proceed until the cheque clears. The Land Office needs confirmation from the Accountant General's office of such clearance and this can take up to 1 month. An alternative method is to provide proof that the cheque has been cleared by producing at the Land Office, the payee's bank statement showing the clearance of the cheque.
- (viii) Cost of applying for consent to transfer cannot be reduced as it is already gazetted and is not a discretionary matter.

There were many matters that we raised and some were discussed in detail. Should you have any queries or require any clarification, do not hesitate to contact any member of the PRCL committee listed below.

Yours faithfully,
 Jerald Gomez
 Chairman
 Public Relations and Court Liaison Committee

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Ravindra Kumar	Tel: 2694 9999
Mansheel Kaur	Tel: 7957 6788
Colin Pereira	Tel: 4041 5370
Teh Yoke Hooi	Tel: 2698 8181
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Christopher Leong	Tel: 2055 3888
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Kuala Lumpur Bar Committee

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Circular No. KL 13/02

11 September 2002

Dear Members of the KL Bar

The Chairman of the KLBC and the Chairman of the PRCLC were called today to meet with the Head of the Civil Division, Y.A. Dato' James Foong, in relation to the reorganisation of the Civil Division. We have been informed from 2.30pm to 4pm this afternoon that the reorganisation will take effect from 16.9.2002 and will be officially launched on 1.10.2002.

The following is the note prepared by Y.A. Dato' James Foong pertaining to same which was handed to us :-

Reorganisation of the Civil Division (family matters excepted) of the High Court at Kuala Lumpur

1. In attempting to streamline the administration of the civil division (family matters excepted) of the High Court at Kuala Lumpur (Civil Division) to ensure uniformity, expeditious and efficient disposal of cases with optimum use of judicial time, the Civil Division will be reorganised.
2. This reorganisation will take effect from the 16.9.2002 leading to the launching of this project by the Chief Justice of Malaysia on the 1.10.2002.
3. The present 7 existing courts known as Court 1, 2, 3, 4, 5, 6 and 7 of the Civil Division shall be abolished.
4. With the abolition of the existing 7 numbered courts, Judges of the Civil Division will sit either in the Fast Track Court or Normal Track Court.
5. The functions of these courts are:
 - (a) The Fast Track Court will hear all legal applications that involve affidavit evidence.
 - (b) Normal Track Court will hear all legal applications that involve oral evidence.
6. At the present moment the following Judges assigned to:

Fast Track Court is	Y.A. Dato' Azmel Ma'amor
Fast Track Court is	Y.A. Dato' Hj. Abdul Malik Ishak
Fast Track Court is	Y.A. Datuk Abdul Hamid Said
Normal Track Court is	Y.A. Dato' Hj. Yaacob Hj Ismail
Normal Track Court is	Y.A. Datuk Heliliah Mohd Yusof
7. Before any legal application is heard before a Judge, either in the Fast Track Court or Normal Track Court, it will be managed by a Managing Judge assisted by a team of Deputy Registrars.
8. Case Management for each legal application is to ascertain:
 - (a) The case is clearly defined;
 - (b) Issue or issues explicitly determined;
 - (c) All relevant supporting documents are filed.
9. Only after the case management exercise is completed to the satisfaction of the Managing Judge will the legal application be fixed before a Judge for hearing.
10. The Managing Judge appointed is Y.A. Dato' James Foong.
11. With the abolition of the 7 numbered civil courts, the registry of the Civil Division is reorganised into 7 units known as:

Unit	Unit	Unit	Unit	Unit	Unit	Unit
Code 22	Code 23 & 21	Code 24	Code 25	Code 15	Code 31	Code 32
(Writ)	(Def & Govt's)	(OS)	(OM)	(Land Ref)	(LA)	(Probate)

Unit Code 22 will deal with all legal applications filed by way of Writ.

Unit Codes 23 & 21 will deal with all legal applications in respect of defamation and matters where the government is a party respectively.

Unit Code 24 will deal with all legal applications by way of Originating Summons.

Unit Code 25 will deal with all legal applications by way of Originating Motion.

Unit Code 15 will deal with all Land References.

Unit Code 31 will deal with all petitions for Letters of Administration.

Unit Code 32 will deal with all petitions for Grant of Probate.

12. Each unit will be headed by a Senior Assistant Registrar (SAR).

13. The following SARs are assigned to take charge of the units:

Code 22 (Writ)	Code 23 & 21 (Def & Govt's)	Code 24 (OS)	Code 25 (OM)	Code 15 (Land Ref)	Code 31 (LA)	Code 32 (Probate)
Tn. Nazran	Pn. Lailatul	Pn Chandra	Pn. Rasyihah	Pn. Noradura	Tn Edwin	PnTitihani

14. The respective SARs will also hear all legal applications within their code which by law they are empowered to hear.

15. Before the implementation of this project, all part-heard cases before any of the above Judges will continue to be heard by the same Judge until final disposal, irrespective of whether the said Judge is in the Fast Track Court or Normal Track Court.

Y.A. Dato James Foong
10.9.2002

In addition to the above, we raised the following points, which Yang Arif clarified as follows:-

16. In the event of urgent applications where a Certificate of Urgency has been filed, the matter will go before Y.A. Dato' James Foong first, who will give further directions on same.
17. Where an adjournment is sought and all parties have agreed to same, members are to write to the Judge or SAR heading the particular unit ahead of time.
18. There will be a counter for case management. On the first appearance all parties will be given a standard direction as to what is required to be done. On or about 6 months later, there will be a date given for case management. We were informed that on the case management date, lawyers will be asked details of the case, the basis of their claim, the issues in dispute, the number of witnesses required and the reason why they are being called as well as the necessity of the documents which parties wish to tender, after which issues will be clearly set out for the judge who will be hearing the matter. We were reminded to inform members to ensure that counsels handling the matter attend the case management.
19. An Enquiry Counter will be set up to handle any general enquiries from members from Monday 16.9.2002 onwards. We asked the Judge for two court personnel to answer any queries that lawyers may have via telephone. The Judge assigned Puan Jamhirah whose direct line is 20736316 and Puan Rozilah, 20736325. If lawyers face any problems on particular files, they are to approach the SAR heading the unit concerned as stated in paragraph 13.
20. On the ground floor there will be several cubicles where the SARs will sit with relevant signboards stating the area that they are handling. All matters will be dealt by the SARs first. In the event of any problem, the matter will be referred to the Judge managing the case, who will be sitting at a table in the center of all the cubicles.
21. The Judge assured us that the SARs will be contacting all members who have matters fixed for trial next week. However you are advised to call Puan Jamhirah or Puan Rozilah for any further clarification on this matter.
22. **PLEASE NOTE: THIS REORGANISATION ONLY RELATES TO THE CIVIL DIVISION OF THE HIGH COURTS (EXCLUDING THE FAMILY COURT) AND NOT ANY OTHER DIVISION**

Please note that the Chairman of the KLBC and the Chairman of the PRCLC were only informed of these changes this afternoon and have immediately issued this circular to ensure that members are fully aware of the changes that will be implemented. We will be studying the reorganisation in detail and request your feedback as soon as possible in order to better enhance the administration of justice in the KL High Courts.

Yours faithfully
Jerald Gomez
Chairman
Public Relations & Court Liaison Committee

**MEETING WITH SHAH ALAM HIGH COURT OFFICIALS WITH THE SELANGOR BAR AND KUALA LUMPUR
BAR ON 11 OCTOBER 2002**

Date : 11 October 2002

Time : 3.00 p.m.

Place : Bilik Mesyuarat Mahkamah Tinggi Shah Alam

Present : Y.A. Dato' Zaleha Zahari
Tuan Faridz
Puan Hasbi
And few other Registrars

Ravindra Kumar
Abdul Rashid Ismail
Teh Yoke Hooi
Lim Chee Wee
Joslyne Goonting

Steven Tai
Kunamony Kandiah
Alvin Loo
Ravichandran

1. Delay in extraction

The issue of the delay in extraction was raised. A complaint was lodged to the Chief Justice with regard to the delay of 2 years in extraction. In actual fact, the delay was due to the lawyers giving wrong citation. We were informed by the court officials that when making a complaint, the correct court's number must be cited. If there has been a delay of more than 1 month, please come and see the respective court officers during the open day.

In respect of the power attorney, we are made to understand that there would be delay in the extraction of the power attorney and deed of assignment filed prior to June 2002 since the court is trying to resolve the issue of backlog for the power attorney and deed of assignment filed prior to June 2002.

2. Missing Power Attorney

The issue of missing power attorney was raised. The Court admitted that there are power attorneys that may be missing. It may have been lost in transit. The court will look into this problem.

3. Bill of Sale

Where there is unusual application which the court clerks are not familiar with, lawyers are advised to see the Registrar.

4. Open Day

The open day received good response for the first and second months. However on the third month there was little response. The court officials informed us that the open day will continue and if there is any problems please see them.

5. Balance of monies from the concluded foreclosure proceedings

The court officials asked whether anything can be done with regard to the balance of monies from foreclosure proceeding? It was suggested that the court should try to inform lawyers to the respective Bar Committees. Usually the problem is due to the defendant which is not represented. This is a problem since sometimes it is impossible to inform the defendant which is not represented.

6. Parking

The issue of lack of parking was raised. The court officials acknowledged that there is a problem but steps have been taken to rectify the situation. The court is prepared to buy or lease the adjoining land and this application is still pending. The issue of favoritism by the guard was also raised but the court officials said it was impossible for them to monitor this aspect. In fact the guards have been briefed of their duties.

7. Library

The court library is available but there is no photocopy facility.

8. Draft Orders

In respect of non contentious matters, it is advisable that the lawyers come to court prepared with the draft orders for approval. This would facilitate the extraction process.

9. Court issues

The courts raised the following issues:

9.1 They have no choice that based on a practice direction; they have to give priority to criminal cases in order to clear backlogs. This has caused strain on the civil cases but the Courts have no choice in this matter since they have to dispose of the criminal matters within a year from the date of registration. We have to take up this issue with the Chief Judge of Malaya.

9.2 Court 4 may be occupied in December or January in view of new appointment.

9.3 The court will look into the use of cheques by law firm for payment of filing fees.

10. Suggestions by the Court

10.1 There has been suggestion by the court staffs that when preparing court documents, please state the firm's telephone number.

10.2 To stamped the BC Box number at the back of the documents.

10.3 To collect documents in the BC Box regularly. If no BC Box, please check with the counters.

10.4 To collect Power of Attorney regularly since there is substantial power attorney no collected.

10.5 Uncollected documents give wrong impression to the general public.

10.6 To punch hole on the documents to be filed in court.

Prepared by Abdul Rashid Ismail

REJECTION OF COURT DOCUMENTS BY REGISTRY CLERKS

1. Members of the Bar are concerned that clerks on duty at the registry of the High Court have in the past rejected documents presented for filing which on its face appear regular and accompanied by the necessary praecipe and filing fee. The provision invoked to permit such drastic action is Order 92 r 3 of the Rules of the High Court 1980 ("RHC80").

judicial review

2. If specific instances are required, we would enumerate one example which pertains to the relevant forms to be used in the procurement of leave for judicial review under Order 53 r 3(1) RHC80. As the Rules Committee is well aware Order 53RHC80 has undergone major amendments which came into effect on the 22nd September 2000. Pursuant to these amendments to Order 53RHC80, there is now in place new procedures and in particular 2 new forms and much confusion has been caused in regard to the use of these forms.

pre amendment practice

3. The pre amendment practice had always been for the applicant for leave to do so by means of an Originating Motion. This practice was and is consistent with the judgement of the High Court in *Nanyang Development (1966) Sendirian Berhad v How Swee Poh* [1969] 1 MLJ 232. With the amendment to Order 53 in September 2000 and in particular to Order 53 r 3 (2)RHC80 which provided for the application for leave to be made *ex parte* and to the Judge in Chambers, quite clearly, the application for leave would have to be made by way of Originating Summons.
4. The registry clerks of the High Court in Malaya at Kuala Lumpur acting on the directions of their superiors insisted that this practice be no longer followed and that all applications for leave to issue judicial review must be in Form 111ARHC80. Failure to file in an application for leave to issue judicial review in accordance with Form 111A would result in summary rejection and a refusal by the counter clerks to accept the originating process for filing
5. An examination of Order 53 r 2(1)RHC80 clearly provides that it is the substantive application for judicial review that necessitates the use of Form 111A RHC80. Notwithstanding this, there has been strict insistence on all applications for leave to issue judicial review having to be made in Form 111A.
6. This procedure has again been revised as at the 8th July 2002 wherein the High Court in Malaya at Kuala Lumpur by a notice placed at the registry office now requires that parties file Form 111A solely for the purpose of procuring the registration of the suit (wherein Form 111A is not sealed) and to simultaneously file a Summons under Order 32 seeking leave to issue Judicial review. This procedure likewise does not appear to be correct as there is no originating process pursuant to which a Summons may be filed thereunder.
7. Other examples have ranged the filing of Summonses under Order 32 RHC80 without any supporting affidavit as is required by an application under rddr 18 r 19 (1) (a) RHC80 and the filing of an affidavit being treated as an application to set aside a bankruptcy notice pursuant to r 95 Bankruptcy Rules 1969 and the filing of notices of appeal at the High Court registry in respect of appeals from subordinate courts to the High Court.
8. The point to note from the foregoing is not that there exists inconsistencies and/or variances in the procedures adopted by the Court but rather that non compliance with these arbitrary procedures result in the summary rejection of cause papers with sometime dire consequences for the litigant affected by such rejection. This is exemplified by judicial review proceedings where applications for leave must be issued within 40 days of the decision sought to be impugned by way of judicial review and the rejection of notices of appeals at the lower courts before the same was corrected following the decision by the Court of Appeal in *Ismail bin Abdul Hamid v OSK & Partners Sdn Bhd* [1996] 3 MLJ 686
9. Whilst it is to be noted that the revised practice may have less serious consequences for practitioners in Kuala Lumpur given their ability to effect the necessary amendments to comply with the new procedure, practitioners from the other states may face considerable difficulty who may face the time bar issue not through any lack of merits of their respective applications but rather by reason of non compliance with a particular procedure which is unique to Kuala Lumpur and which had not been adequately published or made known to practitioners from the other states.

powers of rejection

10. By this discourse, it is proposed that the provisions of Order 92 r 3 RHC80 be considered, its true construction and its effect.

11. The starting point for our consideration is O 92 r 3 RHC80 which provides :

(3) *The Registrar, or any officer charged with the duty of receiving and filing any document, may reject it if it does not substantially comply with these rules.*

12. In the construction of all documents and particularly statutes (of which the RHC80 is remains subsidiary legislation promulgated under section 16 read with section 17 of the Courts of Judicature Act 1964), the cardinal principle is as has been stated in *Farrell v Alexander* [1976] 2 All ER 721 at p 733

"... in the construction of all written instruments including statutes, what the court is concerned to ascertain is, not what the promulgators of the instruments meant to say, but the meaning of what they have said. It is in this sense that 'intention' is used as a term of art in the construction of documents."

The above passage has been referred to with approval by the Federal Court in *Chor Phaik Har v Farlim Properties Sdn Bhd* [1994] 3 MLJ 345

13. At the outset it is important to determine the proper party that may exercise the powers of rejection. Order 92 r 3 RHC80 identifies this party with such power as being "*The Registrar, or any officer charged with the duty of receiving and filing any document ...*" Quite clearly, the Registrar of the High Court does not attend at the registry counter to documents filed as a usual function of his duties. The question then arises as to whether counter clerks at the High Court registry come within the meaning of the words "*... any officer charged with the duty of receiving and filing any document...*" The RHC80 at Order 1 r 4 defines an officer as follows: "*Officer*" means an officer of the High Court;

14. It is acknowledged that section 66 of the Interpretation Act 1948 and 1967 which is applicable to every written law and all public documents, defines "officer" and "public officer" to mean "*a person in the permanent or temporary employment of any Government in the Federation, and any person employed or deemed to be employed by the Railway Ordinance 1948;*"

15. However, we would suggest that the definition of an "officer" in the Interpretation Acts 1948 and 1967 is inapplicable by reason of the maxim of construction *generalia specialibus non derogant*. Please see , *Luggage Distributors (M) Sdn Bhd v Tan Hor Teng & Anor* [1995] 1 MLJ 719 at pg 758-759 where Gopal Sri Ram JCA remarked:

"...expressed in the maxim *generalibus specialia derogant*. Where there are two provisions of written law, one general and the other specific, then, whether or not these two provisions are to be found in the same or different statutes, the special or specific provision excludes the operation of the general provision."

exercise of discretion

16. A further reason for construing the word "officer" as excluding counter clerks would be the fact that order 92 r 3 RHC80 provides for the exercise of a discretion. A plain reading of Order 92 r 3 RHC80 discloses that the rejection of documents for substantial non compliance with the RHC80 is not automatic and a given outcome, but is subject to a discretion. This is evident in the use of the word "may reject". Thus, the function of rejecting documents presented for filing is not an administrative one. (As an example see section 323 National Land Code 1965 where land authority is obliged to register a caveat without enquiring into the merits of the caveator's claims; and confirmed by the judgement of Suffian FJ in *Nanyang Development (1966) Sdn Bhd v How Swee Poh* [1970] 1 MLJ 145).

17. Still further, we are mindful of express words in Order 92 r 3 RHC80 which provide for the rejection of documents if "*... it does not substantially comply with these rules.*" What amounts to substantial compliance is subjective and requires the application of the recipient's mind and consideration of the matter and therefore introduces an element of discretion. The allowance by express words for a discretion in the rejection of documents must like all other discretions be exercised judicially and the simple fact is that counter clerks, not having been trained in the law, are simply not equipped to deal with nor to exercise a judicial discretion. To interpret the Order 92 r3 RHC80 literally to empower counter clerk the power to exercise a discretion would be to interpret a statute so as to lead to an absurd result. [See *Chong Co Sdn Bhd v Majlis Perbandaran Pulau Pinang* [2000] 5 MLJ 130]

18. The automatic rejection of documents for non compliance is an abdication of this function and discretion. If it be argued that the counter clerks in rejecting documents for non compliance with the RHC80 are merely doing so pursuant to guidelines that have been published by their superiors in the past, the notable one being the Chief Registrar of the Federal Court's Circular No 2/1999, then and in such event, such guidelines are in itself contrary to the law and more specifically Order 92 r 3 RHC80. We say so for the following reasons:
 - (a) circulars such Circular No 2/1999 requires the automatic rejection of documents. Such blanket rejection cannot be said to be a true exercise of discretion, given that the discretionary exercise has been pre determined and there is no consideration on a case by case basis of whether the documents presented for filing "... does not substantially comply with these rules." And such such circular is inconsistent with and contrary to the express provision of Order 92 r 3 RHC80 itself; and
 - (b) that circulars and practice notes such as Circular No 2/1999 are in themselves not binding nor having any legal effect being administrative in nature. In *Ooi Bee Tat v Tan Ah Chim & Sons Sdn Bhd & Anor* and another [1995] 3 MLJ 465, Zakaria Yatim JCA as he then was speaking for the Federal Court said "... In the present case, when the deputy registrar refused the extension of time she was merely carrying out an administrative duty pursuant to the practice direction. Practice directions are intended to be no more than a direction for administrative purpose. (See *Jayasankaran v PP* [1983] 1 MLJ 379 at p 380.)". Circulars such as the present Circular No 2/1999 not even being a practice direction is more so, less efficacious in law.

Please see also the recent reaffirmation of this principle in the judgements of Steve Shim CJ (Sabah & Sarawak) and Mohtar Abdullah FCJ in *Megat Najmuddin bin Dato Seri (Dr) Megat Khas v Bank Bumiputra (M) Bhd* [2002] 1 MLJ 385
 19. We acknowledge that we have since received clarification from the Deputy Registrar of the Special Powers and Appellate division that irregular documents are customarily brought to the attention of a Deputy Registrar or Senior Assistant Registrar, who then gives the clerical staff the necessary directions for the rejection of the irregular document or cause paper. However the written clarification then goes on to acknowledge that the **written reasons for rejection are signed by the relevant registry staff.**
 20. The practice of permitting registry staff to sign the slips giving reasons for the rejection of documents in itself gives rise to doubts as to whether the powers of rejection have been exercised by an "Officer" of the Court as provided for in Order 92 r 3 RHC80 and whether in the circumstances such rejection is in fact valid. Given that the existing practice is open to abuse and is therefore questionable, we would advocate the repeal or substantial amendment of the Order 92 r 3 RHC80.
- judicial function**
21. We would interpolate to add that Order 92 r3 RHC80 in giving to the "officer" of the court a power reject documents confers upon such officer a judicial function with the attendant responsibilities that flow from the exercise of such function. It is trite that an "officer" of the court in the exercise of powers under Order 92 r 3 RHC80 does so as an inferior tribunal and as such is subject to all rules regulating the exercise of that judicial function.
 22. As has been seen by the example quoted above with regard to the practice adopted for applications for judicial review, there has been slavish adherence by the registry to one particular form of procedure and therefore an abdication of the judicial function in that there has been a failure to take into consideration the matters raised below
- variations to forms permitted**
23. The RHC itself in Order 1 r7 RHC80 permits the use of forms in Appendix A "with such variations as the circumstances of the particular case require." Which has been acknowledged in the Federal Court case of *TR Hamzah & Yeang Sdn Bhd v Lazar Sdn Bhd* [1985] 2 MLJ 45.
- adversarial system**
24. The administration of justice in Malaysia is based upon the adversarial system and therefore any objections as to the propriety or regularity of the procedure or form of the documents filed in court should be taken up by opposing counsel. After all Lord Denning MR in *Burmah Oil Co Ltd v Bank of England* [1979] 2 All ER 461 remarked (at p 467): "In litigation as in war. If one side makes a mistake, the other can take advantage of it. No holds are barred."
 25. More importantly, when objection is taken, to the regularity of a document filed in court, the Court is then

seised with jurisdiction and power to adjudicate on the regularity of the document and/or to exercise its curative powers under Order 2 r 1 RHC80 which is applicable to all non compliances with the RHC80. Order 2 RHC80 and the exercise of discretion thereunder has been the subject of judicial consideration by both the Court of Appeal and the Federal Court in recent times. Principally, these cases are *Cheow Chew Khoon (t/a Cathay Hotel) v Abdul Johari bin Abdul Rahman* [1995] 1 MLJ 457 and *Lai Yoke Ngan & Anor v Chin Teck Kwee & Anor* [1997] 2 MLJ 565 respectively. In *Lai Yoke Ngan* Mohd Azmi FCJ approved of the English Court of Appeal's decision in *Nicholls v Nicholls* wherein it was said: "the discretion provided by the statutory provisions, must be exercised in a way which in all the circumstances best reflects the requirements of justice."

Gopal Sri Ram JCA likewise said:

"...Any proceeding commenced, or any order or judgment obtained, in breach of a rule of court is always subject to the curative power of the court available under O 2 r 1 of the Rules of the High Court 1980 ('the RHC'). ... The proper approach is for a court to accept that a breach of a rule of court renders the particular proceeding irregular with a power in the court to excuse the non-compliance. That power, as in all matters calling for curial discretion, is to be exercised judicially having regard to the substantial merits of a case and having particular regard to the interests of justice.

26. We are also mindful that even in the case of irregular affidavits which are the most common ground for the rejection of documents, the RHC80 expressly provides for the irregularity to be cured as per Order 41 r 4. See (*Chio Tan Seng & Ors v Chong Chai Huat & Ors* [1997] 4 CLJ Supp 116).
27. A recent judicial trend at least at the appellate courts; show a marked disinclination by the courts to accede to technicalities. In *United Malayan Banking Corp Bhd v Ernest Cheong Yong Yin* [2001] 1 MLJ 561 Ahmad Fairuz JCA (now CJ Malaya) speaking for the Court of Appeal Malaysia (whilst it is acknowledged that *Ernest Cheong* has been reversed by the Federal Court with regard to the substantive issues in the appeal, the Federal Court had made no comment on the exercise of the Court of Appeal's discretion in refusing to dismiss the appeal by reason of the notice of appeal being filed out of time) said :

"... Our Federal Court in the case of *Tan Chwee Geok & Anor v Khaw Yen-Yen & Anor* [1975] 2 MLJ 188 at p 189 said:

The Rules of the Supreme Court are intended to facilitate, not impede, the administration of civil justice.

In the bad old days in England from where we took our Rules, if you put a comma wrong you were thrown out of court, so strict were they about technicalities.

But over the years this strictness gave way to common sense, and every time the Rules were amended it was with the object of removing fussy technicalities, and making it easier for parties to get justice.

This changed attitude was reflected in the remarks of Lord Collins MR about 70 years ago in *Re Coles and Ravenshear*:

'Although a court cannot conduct its business without a code of procedure, the relation of the rules of practice to the work of justice is intended to be that of handmaid rather than mistress; and the court ought not to be so far bound and tied by rules, which are after all only intended as general rules of procedure, as to be compelled to do what will cause injustice in the particular case.' (Emphasis added.)

And in the same case, Ali FJ, said (at p 192):

The general principle, I think, is that rights of parties in an action are not to be defeated by technical objections.

In this connection, we would also like to quote what this court had said in *Boustead Trading (1985) Sdn Bhd v Arab-Malaysian Merchant Bank Bhd* [1995] 3 MLJ 331, at p 342, ie:

...After all, courts exist to do justice according to the law as applied to the substantial merits of a particular case ... (Emphasis added.)

Kaikaus J, in *Imtiaz Ahmad v Ghulam Ali* PLD 1963 SC 382 at p 400 said:

Any system which by giving effect to the form and not to the substance defeats substantive rights is defective to that extent. The ideal must always be a system that gives to every person what is his. (Emphasis added.)

Bearing in mind the abovementioned authorities, I feel that the preliminary objection should not be allowed. The objection is indeed on a mere technicality. The notice of appeal had been filed anyway. Such procedural technical objections should not, in my view, be allowed to obstruct the process of giving justice to the deserving by going into the substantive issues of the matters before the court. "

28. See also *Megat Najmuddin bin Dato Seri (Dr) Megat Khas v Bank Bumiputra (M) Bhd* [2002] 1 MLJ 385 wherein the Federal Court used its discretion to cure an irregularity and non compliance with r 18 of the Court of Appeal Rules 1994 given the absence of prejudice to the respondent.
29. Further see *Sunkiong International Inc v Malaysian Rubber Development Corporation Bhd* [1992] 2 MLJ 146 where the Supreme Court held on a challenge as to non compliance with paras (f) and (j) of O 11 r 1(1) of the RHC80, that the omission to state in the affidavit that the respondent had a good cause of action could not amount to anything more than a mere failure to comply with a Rule of the High Court in regard to the form and content of an affidavit, an irregularity curable by costs without any need for any amendment therein.
30. The above approach towards irregularities has now been given recognition in the RHC80 itself where the Rules Committee have themselves seen fit to include a new provision in the form of Order 1A which provides "*in administering any of the Rules herein the court or a judge shall have regard to the justice of the particular case and not only to the technical non compliance with any of the rules herein.*"
31. We would venture to suggest that the power given to the "officer" under Order 92 r3 RHC80 to summarily reject documents presented for filing is and would be inconsistent with the aims of doing justice as embodied in the passages referred to above and in the RHC80.
32. We respectfully suggest that the provisions of Order 92 r 3 RHC80 are an anomaly and is inconsistent with the current deemphasis on technicalities. Given this we propose that this committee give serious consideration to the repeal of Order 92 r 3 RHC80.
33. We would suggest that at the very least as an alternative that the rules be amended to ensure that rejection of documents can only be effected by the court after the following procedures have been complied with:-
 - (a) that in the event that a defect or non compliance is detected by the counter clerk, instead of immediate rejection, the clerk be offered 2 alternatives. The first , being the opportunity to correct the offending document and to refile the same; or secondly to invoke the procedures hereinafter specified.
 - (b) In the event that the second of the two alternatives be invoked, that the offending document be treated as being held in abeyance with the date of presentation recorded and the matter referred to the Senior Assistant Registrar; and
 - (c) that the Senior Assistant Registrar by notice in writing to the relevant solicitor filing the offending document specify the defect or non compliance in the notice and fix a date for an appointment with the solicitor to afford the solicitor an opportunity to proffer an explanation or to justify the offending document in its current form; and
 - (d) that if such explanation is accepted that the document be filed and treated as having been filed as at the date of initial presentation; or
 - (e) that a review of the decision by the Registrar be permitted in the event of rejection.
34. We feel that the above would ameliorate the present situation. Solicitors that would not be prejudiced as to time or otherwise would in all likelihood opt to refile a corrected document whereas solicitors who are prejudiced by time would be afforded an opportunity to remedy the defects.
35. We trust that the Rules Committee will give due regard and consideration to the above proposals with regard to Order 92 r 3 RHC80.

CASE MANAGEMENT PROPOSALS

1. This note is based on a review of case management materials from several jurisdictions including Australia, Hong Kong and Singapore.
2. It must be observed that there is often a difference in the basic approach to case management as between jurisdictions. For instance the Australian courts have opted for the docket system, where a file remains with one judge from start to finish, whereas the Singapore system allows for a case to pass through more than one judge at various stages. Hence, not all practices from a given jurisdiction would be relevant. In this report we summarise concepts and ideas from various jurisdictions which could be applied here without involving any radical change to current practise.

General Comments

3. The object of case management would be to expedite and make more efficient the trial process so that cases can be disposed of quickly, and at minimum cost.
4. It was with this in mind that case management become an entrenched feature of practise here. The specific provision in the Rules namely, O 34 RHC, allows the Court great latitude in dealing with each case. No specific steps for case management are prescribed in the rules. Instead, wide and general powers are given to the Court allowing each judge to fashion his own procedures.
5. Whilst this flexibility is a good thing in that it theoretically permits a unique response depending on the requirements of each case, it has also given rise to considerable variation in approach leading to some confusion on a day to day scenario. An illustration is the different approach of different courts in the treatment of documents filed in Court. At present there is a variety of terminology used to describe document bundles for eg.; Common Agreed Bundle, Agreed Bundle (Absolute), Agreed Bundle (Normal). Each of those classifications has different meanings leading to unnecessary confusion.
6. Further, a fundamental point that is often overlooked is that no system, no matter how good, can achieve results unless there is a collective will to ensure that it works, and to lay down and enforce standards of conduct to be observed by Bar and Bench alike. In this context it may be noted that despite our present case management procedures delays and adjournments are still rampant.
7. Thus, our recommendations may broadly be classified into two groups. First, steps that may be taken to improve the case management process at the macro or overall level, and secondly particular steps that may be taken to fine tune the system.

Improving the Overall Approach

8. **Proposal 1:** Courts should set a standard as far as disposal of cases is concerned. For instance cases could be targetted for disposal within 18 months of filing. Files that fail to meet this time line ought to be called up for special review and action by the head of each division or the senior most judge.
9. **Proposal 2:** One factor that has helped other jurisdictions to expedite matters is to fix trial dates at an early stage often at the very first case management date itself. This allows proper planning by both the parties and the court. Once trial dates are fixed other intermediate milestones may be fixed working backwards from the trial dates and may only be varied if they do not result in a shift of the trial dates. The trial date itself once fixed ought to be treated as immutable except in the most extreme of circumstances. In the United States this sort of approach is called the 'Rocket Docket' System. As the name suggests the advantage is that it ensures a sense of urgency because parties have to work towards a fixed date.
10. **Proposal 3:** There cannot be an efficient case management process without a willingness to sanction or punish indolent parties. Sanctions in the form of costs or consequences to the action e.g. dismissal or striking out by way of peremptory or unless orders should be considered.

Improving Particular Procedures

11. **Proposal 4:** There is much to be said for retaining the docket system. It should be noted that in other jurisdictions there is considerable support for the docket system i.e. where a file remains with one Judge from start to finish. This is the system opted for in Australia. In theory the alternative system that allows a file to be handled by different judges at the interlocutory stage enhances speed because there ought to be a more even distribution of cases amongst different courts. However, the supporters of the docket system identify its strengths as follows:-
 - Early and clear identification of issues;
 - Early resolution of cases;
 - Better management through increased and early familiarity of the judge with individual cases and, as part of this, better judicial performance generally;
 - Avoidance of the need for a case to be explained afresh on a number of different occasions;
 - Improved communications between the court and the lawyers involved in a case;
 - Minimisation of interlocutory proceedings and often resolution of such issues without the need for a hearing;
 - Improved capacity of judges to manage their own time, calendars, caseloads and reserved judgments;
 - Lower costs and savings in time;
 - Work value and task variety of court and judges' staff are enhanced;
 - Courts become more efficient and accountable;
 - Better trial management;
 - Overall, the kind of modern project management required for dealing with litigation;
 - Improved capacity for a court to calculate its judicial and other resource needs because of the ability to measure case dispositions per judge on a firm and clear basis.
12. **Proposal 5:** So as to minimise confusion and promote greater understanding and familiarity with case management procedures there should be more standardisation. For eg. in the basic set of initial directions issued and more particularly, in the format and style of witness statements, and in the classification and terminology used for Bundles of Documents filed in court for the trial.
13. **Proposal 6:** If there is more standardisation the early stages of case management, certainly the very first case management date, may be conducted either by the Registrar, or by way of Practice Directions. This would not only shorten the case management process but also free up judges' time.
14. **Proposal 7:** There has to be a greater degree of proactiveness on the part of the Court. Many cases are often delayed because of the refusal of one party to either agree to documents, facts, or to assist in defining the issues. Courts should interfere where parties face such difficulties. There ought to be a special session or a Status Conference where the managing Judge evaluates those matters to encourage parties to take a more reasonable approach. The existence of such a practice would itself be a deterrent to unreasonableness. In extreme cases a party who refuses to cooperate ought to be sanctioned either in costs or by some default order.
15. **Proposal 8:** Judicial proactiveness may also be considered in other aspects of the trial process for e.g. limiting the length or time allocated for submissions, examination in chief or cross-examination. Not only does this serve to expedite matters but also promotes better advocacy as it encourages brevity and focus.

Conclusion

The above proposals are largely in the nature of key or basic concepts that could be adopted to improve the case management process. It is to be noted that each of these ideas has room to be fine tuned and improved upon for adoption within our framework of Court procedures. As a first step forward, however, these proposals may be considered or adopted as essential building blocks of our case management regime.

Prepared by Mohan Kanagasabai

**REPORT AND FEEDBACK ON
THE REORGANISATION OF THE
KUALA LUMPUR HIGH COURT (CIVIL DIVISION)**

In October 2002, the Public Relations & Court Liaison (PRCL) Committee of the KL Bar sent out circulars to members inviting comments, suggestions and complaints on the reorganisation of the Civil Division of the KL High Court.

We received feedback by e-mail, letters, phone calls and also verbal responses directly to members of the Kuala Lumpur Bar Committee (KLBC) and PRCL Committee.

1. GENERAL COMMENTS

i. The idea behind the efforts to improve the Administration of Justice by reorganising the Civil Division is good and is welcomed by the KLBC. However the manner of its implementation has given rise to various problems. Some of these problems could have been avoided if one of the more important stakeholders of this system, the Malaysian Bar, was consulted prior to implementation.

ii. Our justice system is based on the adversarial model and therefore the law and related procedures are structured to cater and promote this process. The reorganisation may have serious implications to the adversarial system and therefore injustice may occur in some situations.

iii. It is our view that with the introduction of sufficient safeguards and procedures these problems may possibly be addressed.

iv. The reorganisation has helped to some extent in speeding up the hearing and disposal of cases. The concerns raised and needed to be addressed are as follows:

2. MANAGEMENT OF CASES

i. Statement of Agreed Facts and Issues

- a. Members feel that they are being compelled to agree to "the statement of agreed facts and issues". There have been several instances when members were virtually forced to agree on facts and issues.
- b. It is unclear whether these directions are mere directions or decisions or orders of the court and whether such directions would be subject to appeal. At times the agreed facts and issues are recorded by way of consent rather than an order or direction of the Court. We have received complaints that at times such directions were not even recorded in the Court file.
- c. We propose that parties may be encouraged to agree on facts and issues *but* in a situation where there is a dispute on the facts and/or issues, these disputes are to be recorded in the Court file as non-agreed facts and issues for the parties to submit before the Trial Judge for his/her decision. A dissatisfied litigant would then be able to appeal the decision if he/she so desires. This should also apply to the number of witnesses a party wishes to call as well as documents, which are disputed.
- d. A hearing or trial Judge may feel that the directions imposed by the Managing Judge in respect of the conduct of the proceedings too restrictive and he/she would not be at liberty to explore issues or matters outside the directions of the Managing Judge.

ii. Affidavits/witness statements

- a. It is inevitable that witness statements would be prepared by lawyers and the witness sometimes may not be even able to read the statement. Under cross examination, there would be difficulty because the witness says that the statement as read is not what he meant, or he does not understand the paragraph, or that it was done by his lawyers etc.
- b. Some Judges do not ask the witness to read the witness statement and go straight into cross-examination. A lot of prejudicial, inadmissible and sometimes irrelevant and scandalous statements are included in the witness statements. When objected to, counsel have been told to do so during final submissions. This is unacceptable, as counsel would be in a quandary as to whether to rebut or respond to all those allegations. In practice, we are of the view that the direction to raise it at the submission stage is not practical. It is suggested that Trial Judges have the witness statements read in open Court by the witness as required by Order 35A Rule 1.
- c. Directions are given for the plaintiff and defendant to file their witness statements before the trial. In the adversarial system, it is for the plaintiff to prove his case and he will have to tender evidence both oral and in documents to discharge his burden and only then is the defendant called to answer. We therefore propose that the plaintiff calls all their witnesses to give evidence before requiring the defendant to do so.

- d. If our suggestion is not practical and is not in line with the objective of speeding up the trial process, we suggest that at least during the case management stage, different dates are given to file witness statement i. e. the plaintiff files within one month and the defendant is given one month to file their witness statements after that.
- e. Members have raised their concerns that witness statements are no longer by way of consent as required under the Rules but by direction. When issues are going to be resolved based on the credibility and veracity of witnesses, litigants should have all opportunities available to them to challenge the evidence.
- f. Though the process may have been speeded up and statistically we have cases completed in a shorter time, we may lose the essence of why we have a forum to adjudicate disputes - the final arbiter as to the rights and liabilities of citizens. Every opportunity must be provided to litigants to canvass their case or defend their position. An attempt to stifle this position may erode the confidence of the public in our judicial system.

iii. **Bundles of Documents**

Members have been asked to re-file bundles of documents, which have already been agreed and filed. They however accept this as a teething problem in implementing the system and with time it is hoped that this problem will not arise.

iv. **Hearing Dates**

In the eagerness to clear the backlog of cases, counsel have been forced to accept dates for hearing even when they are unavailable on the suggested date. Many times counsel would be engaged in hearings or continued trial in another court or the appellate courts but this plea for suitable dates are not considered.

It is suggested that the courts be more accommodating especially if counsel is already engaged in another court **with the exception** that if the court is satisfied that counsel is trying to delay matters, then the court ought to have the discretion to insist on a matter proceeding on a particular date.

v. **Attendance of Counsel**

Members have complained that they have been asked to attend the first management date, where counsel have to wait and then finally given a sheet of paper with general instructions. We suggest that there is no necessity for the counsel handling the case to attend the first case management date, when only general instructions are given. The general directions can be sent to the firms directly. There have also been directions that counsel handling the case personally hand in written submission. Members do not see the necessity for attending counsel to personally hand in written submissions.

vi. **Next dates**

It is suggested that there is no need for another case management date if there is an appeal from a decision of a TP or SAR. Since this is by way of re-hearing, all directions would have already been given for the hearing of the first instance. The Managing Judge should then proceed to fix a hearing date.

3. **TIME & SPACE MANAGEMENT**

- i. Members are having difficulty putting their client's case as well as responding to the points raised by the other party within the short time given. Members agree that there should be a limitation on the number of pages for Skeletal Submissions, but insist that there should be no limitation on Written and Oral Submissions. The adversarial system dictates that every litigant should have his day in court and every opportunity should be given to the parties to air all arguments, points of law and fact. **Though we appreciate the pressure that the courts are under and the importance of clearing the backlog as justice delayed is justice denied, we trust that each litigant would still be afforded this opportunity to fully canvass their case.**
- ii. The feedback on the staggered hearing times for case management is that it should be retained but members suggest that it would be more efficient if they are informed of the staggered times beforehand i.e. on the extracted SIC for case management, the return date as well as *the time* of the hearing for case management is inserted.
- iii. This will lead to fewer members crowding the waiting area at 9 am every morning, which will also hopefully resolve the complaints about queuing, lack of space and inability to hear the clerks calling out case numbers. However a long-term solution would be the installation of an electronic display system at the Waiting Area as well as at the Bar Room and Cafeteria.
- iv. The lack of space in the Chamber Area itself is also a source of problems as members can hear others and have

to speak louder when submitting. Some have complained that it affects their concentration and therefore disrupting their presentation.

- v. Members have faced a lot of difficulty getting the next hearing dates as much time is wasted by counsel trying to get an adjourned or continued hearing date from the centralised diary. By the time the cases finish, the registry is closed and the lawyers are required to run downstairs to get the new date only to be told that the registry is closed. Judges have also expressed their unhappiness over this and the fact that they have little control over when the next dates are to be fixed. It is suggested that one TP be on standby every day even after 4.15 pm when hearings are proceeding so that the parties can take another date if it becomes necessary. It is suggested that since the Judges are staying well past 4.15 pm, at least one other person should do so to ease and resolve such problems.
- vi. Members have mentioned that TPs giving dates at the Registry have on occasion, questioned counsel on adjournments granted by the Judge. Members feel that it is not for the TPs to question the Judges' discretion in granting adjournments.

4. DELAYS, POSTPONEMENTS, EXCESSIVE WORKLOAD, INEXPERIENCE, DISTRIBUTION OF CASES

- i. There have been complaints that when cases are listed in the Normal Track Courts for hearing, the list is not followed numerically. Members accept that the time allocated for hearing may overshoot and are prepared to wait provided that the cases proceed as listed so it would be clear when their case will be called.
- ii. There is a tremendous delay in the hearing of cases both in the Fast Track and Normal Track Courts due to the severe shortage of Judges and the tremendous number of cases and backlog to be cleared. Judges cannot be expected to work like a machine, 24 hours. They have to read the pleadings, understand the issues, listen to submissions, study the authorities, listen to witnesses, take down evidence and objections and most important of all, write sound and just judgments. The present workload makes it practically impossible for them to fulfill their duties within the system.
- iii. For a system like this to work, it requires Judges and TPs/SARs with sufficient legal experience and maturity with the requisite commercial knowledge and exposure to dispense justice quickly and fairly. Inexperience and insufficient knowledge of the law translates into poor handling of cases resulting in wasted time and effort as well as injustice.
- iv. Another point of concern is that cases are being decided on minor technicalities rather than on the merits. The amendments to the rules have helped a little but the problem persists and we suggest that judicial appointees should have sufficient commercial knowledge, legal experience and academic ability to deliver and write sound judgments. This will definitely speed up matters, reduce significantly the number of appeals and ensure that litigants leave the Courts believing that justice has been dispensed.
- v. Members have repeatedly complained that cases have been adjourned even when parties are ready to proceed because the cause papers have not been read. Members appreciate the shortage of Judges/TPs and the tremendous pressure they are under but suggest that if it is unavoidable and the cause papers have not been read, the Judge or TP concerned could go through the file and hear the matter with the assistance of Counsel on the morning of the hearing itself rather than postpone the case.
- vi. Members need clarification as to whether letters requesting adjournments should be addressed to the Secretary to the Managing Judge, the Secretary to the Judge hearing the matter or to the TP? And if the TP, which one?
- vii. The Chief Justice, at one time, advocated moving towards an objective method of distributing cases to the various Judges to allay any fears of parties choosing a particular judge. Concerns have now been raised that the present system where a Managing Judge decides which Judge hears which matters and gives directions on the issues to be tried, detracts from the earlier objective.
- viii. There is also concern that there is only one Managing Judge who has to handle too many matters. With so much to be done, at least one more Managing Judge should be appointed to address the above concerns as well as to ensure that cases can be managed even when a Managing Judge is unavailable.

It must be said that the relations between the Bench and the Bar these past 3 years have been good. There has been a frank exchange of views for the betterment of the Administration of Justice. Many other matters were raised but they were considered one-off instances and some have already been sorted out with the Judges concerned. We appreciate the feedback we have received and the various talks given by the Judges as this has been of help to our members.

The Bar and the Judiciary are two principal stakeholders in the Administration of Justice. Working together, we can improve the Administration of Justice for the benefit of the citizens and government of this Country.



Kuala Lumpur Bar Committee

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Circular No. KLBC 18/02

30th December 2002

Dear Members of the Kuala Lumpur Bar

Re: Law Books available for use at the KL High Court Bar Room at Wisma Denmark

Your Public Relations & Court Liaison (PRCL) Committee has managed to secure for your use the following brand new law books at a special price of RM24,370.00 which has been fully sponsored by LexisNexis.

1. MALAYAN LAW JOURNAL (MLJ) 1970 TO 2002
2. MLJ CONSOLIDATED INDEX 1932-98-GENERAL INDEX/TABLE OF CASES
3. MLJ CONSOLIDATED INDEX 1932-98-SUBJECT INDEX
4. MLJ CONSOLIDATED INDEX 1932-98-CASES JUDICIARY CONSIDERED (A-M)
5. MLJ CONSOLIDATED INDEX 1932-98-CASES JUDICIARY CONSIDERED (N-Z)
6. ANNOTATED STATUTES OF MALAYSIA-DESK EDITION – VOL 1 TO 15
7. MALAYSIA COURT PRACTICE – HIGH COURT PRACT. 2001 DESK EDITION
8. MALAYSIA COURT PRACTICE – SUBORDINATE COURT PRACT. 2001 DESK EDITION
9. A IBRAHIM FAMILY LAW IN MALAYSIA 3ED
10. ANANDARAJAH LAW OF THE BILL OF SALE
11. ARJUNAN CO. LAW IN MALAYSIA
12. CHOONG LAW OF LIMITATION
13. HARDING LAW GOVT. & CONST. MALAYSIA
14. HICKLING CONFLICT LAWS IN MALAYSIA
15. JAIN ADMIN. LAW MALAYSIA & SINGAPORE 3ED
16. LEE COMMERCIAL LAW IN MALAYSIA
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These books have been placed at the Kuala Lumpur High Court Bar Room in specially made shelves. Any member of the Bar is allowed to use one book at a time in accordance with the Rules made by the Kuala Lumpur Bar Committee. A copy of the Rules is enclosed for your easy reference.

The books will be available for your use from the 2nd of January 2003 with proper photostating facilities.

We hope this additional facility at the Kuala Lumpur High Court Bar Room will be of assistance and benefit to you.

Your PRCL Committee is trying to secure funds to provide the same facility at the Kuala Lumpur Lower Courts Bar Room.

Yours faithfully
JERALD GOMEZ
Chairman
Public Relations & Court Liaison Committee

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KUALA LUMPUR BAR COMMITTEE