

CHAIRMAN'S REPORT



Kanarasan Gandinesen

This term has been eventful and exciting for the Selangor Bar Committee. Among the challenges we faced were addressing various new policies introduced by the Selangor Courts and Land Offices as well as implementing our new projects and plans, whilst facing rising costs and shortage of volunteers. The Committee further had to address numerous complaints and concerns raised by members, even monitoring various e-groups to keep abreast of such issues. Most of these issues were successfully resolved though there are some which remain in discussion with the relevant parties. The Committee also continued to organise the usual events and activities, making a concerted effort to make them more dynamic, relevant and attractive for members.

Courts

The Committee made significant progress in our dealings with the Selangor Courts. There has been improvement relating to late extraction of cause papers whereby members faced with this problem can contact the relevant registrars by phone to expedite extraction. We have also secured confirmation from Judges that requests for adjournments due to medical or emergency grounds and other justifiable reasons will be granted. Judges have further confirmed that lawyers will not be hurried to close their cases and agreed to give reasonable time for submissions after end of trial. Similarly, for serious criminal cases, Judges have also agreed to give sufficient time for lawyers to prepare their cases where defence has been called. However there remains a handful of Judges who have different views on such issues and our efforts to address them are still ongoing.

Other serious concerns raised by the Committee include the issue of Judges entering the arena of prosecution, the perception of bias in favour of the prosecution and arm-twisting during mediation to force settlement, all of which were steadfastly denied by the Judges. The Committee continues to monitor these concerns and will revisit them if necessary.

Further, we have had success in addressing and resolving complaints and grouses raised by members against specific Judges. A Judge who makes a decision without hearing submissions, a Registrar who required lawyers to remove their shoes before entering chambers and a Judge who refused to allow full cross-examination, are some of the problems that have been resolved.

In relation to the administrative aspect of the Courts, we are pleased to have secured designated parking for lawyers in Shah Alam as well as resisted attempts by the Selangor

Courts to charge for parking at Court complexes. We have further obtained online access to cause lists for all Selangor Courts. Finally, in response to our dissatisfaction with the Courts' failure to inform us in advance of changes in personnel and policy, they have assured us that the Committee will be notified immediately of any such changes, and it appears that they have since done so.

Land Offices

The Committee made major headway in our relations with the Selangor Land Registry and Land Offices as well. Notably, they agreed to consult the Committee before implementing new policies and proposals for conveyancing transactions, and for the most part have done so. This enabled us to ensure that certain proposed new requirements such as submission of practicing certificates with transfer forms and production of unnecessary documents in support of applications for private caveat, were never implemented.

Further, in relation to certain unsatisfactory policies which had already been implemented, the Committee was able to convince the relevant parties to reverse these policies. As such issues like the compulsory use of the biometric system for transactions in the Petaling Land Office, restrictive use of printed forms by the Gombak Land Office and refusal to accept payment of stamp duty by clients' account cheques, were resolved.

However, the Committee's attempt to uniform the diverse practices of the various land offices has not been successful yet and remains an ongoing project to be completed.

E-filing

The Committee is supportive of any improvement in our Court filing system and accepts that the concept of filing and extracting cause papers from the comfort of our office is one the Bar should adopt. However we have concerns on the manner in which e-filing was hurriedly implemented as well as the costs involved. To overcome rushed implementation in Shah Alam Courts, the Committee requested that implementation be staggered which in turn would allow members to ease into adapting to this system. The Courts agreed and the staggered implementation appeared to be successful as Shah Alam never faced the kind of problems and backlog which plagued KL when e-filing was introduced.

Further, to enable members to easily register for online filing, the Committee organised booths to be set up by the various e-filing service providers at the Shah Alam Court Complex, as well as provided copies of all forms and necessary documents required for registration.

The Committee has also liaised closely with the Registrars in charge of e-filing to resolve any teething problems in the system as well as issues or concerns raised by members. In this manner we managed to ensure that the time frame for filing is kept relatively short, filing of combined cause papers like Defence & Counterclaims are filed as one document and the system's hardware was improved to prevent it going offline.

Other e-filing issues which the Committee has raised and hope to resolve include the request for more Service Bureau counters, adopting a convenient method for filing of Bundles and setting up contingency plans in event the Service Bureaus go offline. The Bar Council continues to address the issue of e-filing costs.

Other notable issues

The Legal Aid Centre had an eventful term as well. Preparations for the introduction of YBGK were completed with trained volunteers and the necessary infrastructure ready to begin. However to date, YBGK has yet to commence nationwide. The Centre has further improved immensely this term with a more efficiently run secretariat, more law awareness programs being organised, more programs for pupils on the cards and re-introduction of training for pupils to prepare them for dock brief and other legal aid programs. The Committee is very grateful to Mr Rajpal Singh for co-chairing Legal Aid and contributing to its success.

Both social events, namely the 'Malam Suai Mesra' and Annual Dinner once again received a fantastic response, despite increase in ticket prices. At the Annual Dinner the award for Selangor Bar Personality was given posthumously to the late Jeffrey Fernandez, the first Chairman of the Selangor Bar Committee, in recognition of his outstanding contribution to Selangor Bar.

On the sporting front, the Committee successfully hosted the Interstate Bar Games. For the first time, this event was held in one day and in one venue (except golf). The Games had a carnival like atmosphere and was a huge success among all participants and supporters present. Although Selangor was unable to retain the title as champions, we still fared very well, winning one event and finishing second in three others.

The Committee has revamped the Introductory Sessions for pupils making them more practical and relevant. Further the Pupils' Handbook as well has been revised to ensure pupils in Selangor are equipped with the relevant and current information in relation to their pupillage.

Talks and Seminars organised by the Continuing Legal Education, Conveyancing and Syariah Sub-Committees were once again well received and contributed substantially to our non-subscription income. Further, to ensure continuity until the new Committee takes office, talks have already been organised for the months of February and March 2012.

Reference proceedings for ten departed members were held at the Shah Alam High Court. This event was very well received by family and friends of the members who passed away, as evident from the packed court room where the proceedings took place.

Despite rising costs, Selangor Bar's finances remain very healthy with an improved surplus in our funds. Increase in non-subscription income, savings from settlement of the building loan and conservative spending are some of the factors which contributed to the increased surplus.

The Committee's ongoing plans and initiatives which have not completed to date include the revamp of the website, publication of our book and re-modelling of the Shah Alam Court Bar Room. The Committee hopes to finish these projects soon if not in the next term. Further, the Committee takes the view that the Young Lawyers Sub-Committee should be re-introduced next term and would be useful to get young members involved in the activities of the Bar. Also recognising the role lawyers can play in improving the environment, the Committee believes that introducing an Environmental Sub-Committee would be beneficial too.

Conclusion

I am truly honoured to have been elected Chairman and am humbled by the tremendous support received from Committee members and members of the Selangor Bar generally. I wish to thank my colleagues in the Committee as well as the secretariat staff for their hard work, sacrifice and contributions to Selangor Bar. Juggling and managing Selangor Bar duties, Bar Council commitments, legal practice and personal trials has been very demanding and challenging. Nonetheless I have enjoyed the challenge and experience. I hope that I will be given the opportunity to continue for another term and finish the remaining projects and plans commenced this term.

Report submitted by:

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Selangor Bar Committee**