



SUB-COMMITTEE REPORT

BAR REPRESENTATIVE



Salim Bashir

Bar Representative : Salim Bashir

This term the Chairman and I represented Selangor Bar in the Bar Council.

The Chairman was appointed as the Deputy Chairman Of The Law Reform Committee and I was appointed as Deputy Chairman Of The National Criminal Law Committee.

There were monthly and special meetings of Bar Council (“BC”) during my tenure. As of date of this report, I have attended 8 out of 10 BC meetings.

On invitations, I too attended Selangor Bar Committee monthly meetings to discuss and provide inputs on issues affecting practice of Selangor Bar Members.

Herein, I would like to take this opportunity to highlight some of the more important aspects, activities, issues and decisions of the Bar Council as per to-date.

Proposed amendment to Section 30 of Legal Profession Act

The purpose of this amendment is to prohibit retired superior Court Judges to return to practice by appearing in Courts throughout Malaysia.

Bar Council affirms the Resolution passed at the Malaysian Bar AGM on 15th March 2014, requiring the Bar Council to take appropriate steps to curb former judges from appearing in Court.

Pursuant to the above Resolution, BC proposed an amendment to S.30 Legal Profession Act, to prohibit retired superior Court Judges to return to practice by appearing in Courts throughout Malaysia.

Custodial Deaths and Police Shootings



The above matter was discussed, and proposed that BC hold a watching brief in every enquiry into death in custody including, with the assistance of the State Bars, identifying a team of members to hold a watching brief on behalf of BC in all inquiries into deaths in custody.

Mandatory CPD points for Pupil in Chambers

The proposal for a ruling to be made pursuant to S.57 of Legal Profession Act for every pupil to attain a minimum number of CPD points during their pupillage before filing their respective petition papers, was not accepted as BC upholds and respect the decision made by members at the last Malaysian Bar AGM in relation to the issue of attaining the CPD points and the status-quo remains.

State Road shows on Re-delineation Exercise

BC seek to facilitate road-shows for purposes of educating voters and members of public of every constituency, with the assistance of the State Bars, on the issue of re-delineation.

Revised Rates of payment for YBGK work

The rates for YBGK work have been revised upwards and took effect on 1 May 2014.

1st Legal Career Fair organized by BC on 15 November 2014

BC hosted its 1st Legal Career Fair at the Dataran Merdeka with the aim of providing a platform for law firms throughout Peninsular Malaysia to meet law students. The event was successful and will be adopted as a permanent feature on the Bar's Calendar.

Memorandum on the establishment of Group Practice

BC is still working out the memorandum on the establishment of Group Practice that contains the chronology of events, concept of Group Practice and the proposed Group Practice rules. The members will be informed accordingly in due-course, on its development.

Insistence by Bank that law firms issue a letter of undertaking pertaining to AMLA compliance

BC took note that Bank are now insisting that law firms provide them with an all encompassing undertaking based on the banks 'sample letter of undertaking'.

This seems to shift responsibility under the standard guideline of AMLA of having to identify the sources of client's funds and beneficiaries to lawyers. BC has made representation to Bank Negara Malaysia informing that because the reporting obligations of Banks and law firms are equal, they should bear their own responsibility in ensuring AMLA compliance.



BC will be studying sample letter of the banks and make representation to BNM to render the undertaking more palatable to law firms and make it 'AML-compliant'. This will be included as part of representation to BNM.

Donation for Humanitarian fund for Palestinians

BC organized a humanitarian donation drive for Palestinians towards aiding for the medical and food supply with State Bars likewise encouraged to do the same.

National Legal Aid Committee (NLAC)'s policy on Collection of Monies and Disbursements.

Concerned about the fraud practice that occurs in certain State Legal Aid Centers, the Bar Council revisited the practice of State Legal Aid Centre collecting the money from the client and thereafter disbursing it to the lawyer who is handles the case.

Consequently BC has approved a policy for disbursements to be paid directly to the lawyer handling the files.

The policy serves as a guideline only to the standard operating procedure to all Legal Aid Centers nationwide.

Bar Council hopes all State LAC's to follow and abide by this new policy unless the respective State Bar decides otherwise.

BC also intends to negotiate with Bar's insurers to extend BC's PII Policy to cover fraudulent acts committed by Bar Council staffs.

Notices regarding BC circulars and E-blasts

Concerned about a large number of our members are still not on our email mailing list, and hence are deprived of not receiving BC circulars and e-blasts, BC will notify members by way of a ruling to require members of the Bar to provide BC with their email addresses for purpose of receiving BC circulars and other forms of communications. The ruling also to state that lawyers will be deemed to have accepted emails/communication from the BC each time an email blast is disseminated online to members of the Bar.

Personal Data Protection Act 2010 (PDPA)

BC expresses concern that the legal profession should not be treated like businesses and hence should be given a special consideration especially with regard to solicitor-client privilege and confidentiality.

A Bar Council consultation paper in regard to the same is in progress and will soon be forwarded to the government for consideration.



Broker for the Malaysian Bar Professional indemnity Insurance Scheme 2015

Jardine Llyod Thompson Sdn Bhd has been re-appointed as the broker for the Bar PII Scheme 2014.

Renewal of LAW CARE Group Term Life Insurance Policy

AIA Bhd has been re-appointed as the insurer for the Law Care Group Insurance for 2015 term. BC is pleased to inform members that the annual insurance premium has been maintained at RM50 and the benefits provided under previous policy are being retained.

Official Launch of Continuing Professional Development Online Training

BC via the CPD Department launched its Online Training platform on 7th August 2014. The online training provides members and pupils with access to online courses. It is an additional avenue of training with online courses so that members and pupils can access at their own convenience without the need to attend face to face courses. Members can view an entire video and can participate online.

Independent Police Complaints and Misconduct Commission (IPCMC) – BC’s Memorandum

BC’s Memorandum prepared by Criminal Law Committee was forwarded to the Prime Minister’s office and Attorney General’s Chambers.

A task force was formed at the BC level to push for the setting up of the IPCMC. The following ideas were mooted at the task force level, amongst others, are engagement with the Ministry and Government bodies, to publish booklets on IPCMC, to conduct road-shows for purposes of educating the public on IPCMC, raising awareness via internet media and specific engagements with the press.

EGM of the Malaysian Bar on 19th September 2014

For decades, the Malaysian Bar has consistently taken a strong stand against the Sedition Act and all other draconian laws.

BC’s call for this EGM came at a right time when there were smattering of sedition prosecutions and escalation in police actions.

BC resolution was carried unanimously with 701 voted in favour, 13 against and no abstention which approved the Malaysian Bar’s call for the government to repeal the Sedition Act 1948 and at the same time mandating BC to take any other action deem fit appropriate to promote the matter.

This resolution culminated with a peaceful walk to our Parliament House.



Appreciations

At this juncture, I would like to take this opportunity to thank all the members of the Selangor Bar for the trust placed on me and for having given me the chance to serve as the Selangor Bar representative to the Bar Council.

I would like to record my utmost gratitude to Mr. Vishnu Kumar for the help rendered and his indelible contributions as Selangor Bar Chairman.

A word of thanks to my colleagues in the committee and the secretariat staff for assistance and support.

Report submitted by:

Salim Bashir
Selangor Bar Representative to the Bar Council