



SUB-COMMITTEE REPORT

CIVIL LAW COURT LIAISON



Yu Ai Ting

1. This Sub-Committee received the following complaints from members of the Bar in relation to Selangor Courts.
2. These Complaints was raised and addressed with the Selangor Courts. Details below.

NO.	COMPLAINT	STATUS
1.	A complaint was received on 7.3.2014 from a member of the Bar that he was not allowed by the court security guards to park his car at the car park at the Upper Level of the Annexe Building in Shah Alam Court despite an earlier agreement between the Shah Alam Courts and Selangor Bar Committee namely that members of the Bar were permitted to park their cars there after 8.30 am at the Upper Level of the Annexe Building in Shah Alam Court.	<p>On 11.3.2014, this issue was raised to the Pengarah of the Selangor Court Puan Sabariah Atan.</p> <p>The Selangor Bar Committee ("SBC") also gave several suggestions to resolve this issue.</p> <p>Consequently, the Shah Alam Court agreed to SBC request whereby with effect from 17.3.2014, the Court will ensure that members of the Bar are allowed to park their cars at the 1st floor of the Shah Alam Court Annex Building after 8.30 am provided members display the Bar Council car sticker or badge on their respective cars.</p> <p>A circular was issued to members on the above.</p>
2.	A complaint was received on 18.3.2014 from a	On 20.3.2014, this issue was raised to Puan Sazlina binti Safie, the Senior Assistant Registrar in charge of



	<p>member of the Bar that for cases in Shah Alam High Court, the Registrars Of the High Court are directing parties to limit 3 issues only in the Issues To Be Tried.</p>	<p>administration at the Shah Alam High Court.</p> <p>Thereafter this Complaint was brought to the attention of Justice Vernon Ong on 20.3.2014.</p> <p>This matter was subsequently resolved whereby Justice Vernon Ong informed SBC that the Registrars probably misunderstood his directions. He said he advised Registrars to enquire with Counsels to explore the possibility of limiting the issues. He said the issue of limiting to 3 issues only is not an absolute rule because Justice Vernon Ong was aware sometimes issues are difficult to be limited to 3 issues only or sometimes parties may have more issues in light of the complexity of the case.</p> <p>Thereafter Justice Venon Ong called up the case involving the Complainant and fixed the case for Case Management before Justice Vernon Ong. At the Case Management, the matter on the issues to be tried was addressed and the complaint was resolved</p> <p>Justice Vernon Ong also commented and thanked SBC for highlighting this issue and he looked at this issue as a feedback rather than a complaint so that he can enhance the court process and also to speed up the court process without sacrificing the justice of the case and at the same time, educating the Registrars in the handling of cases.</p>
<p>3.</p>	<p>Numerous complaints in relation to parking summons issued against the lawyers' cars that were parked outside the Shah Alam Court Complex.</p>	<p>Upon investigation by this Sub-Committee, in most of the cases it showed lawyers cars were parked outside the permitted areas. Permitted areas means SBC has pasted a lay out plan in the Court premises to inform members the permitted areas they are entitled to park their cars without being summoned by the authorities.</p> <p>In any event, apart from the above, SBC emailed a circular attaching the layout plan to members to remind them of the permitted areas to park their cars.</p> <p>Further, on 6th June 2014, SBC took a further step by having a meeting between the representative of Shah Alam Municipal Council ("MBSA") and the police to resolve the issue whereby SBC furnished suggestions of more areas which lawyers could park their cars without being summoned by MBSA or the police. MBSA and the police agreed to look into SBC's suggestion and will revert to SBC.</p>



		<p>Pending MBSA and the Police's response, SBC took the initiative to take this matter to the Selangor Court and informed them of our lawyers plight. The Pengarah of the Selangor Courts agreed with SBC suggestion whereby the Court agreed to allocate Basement 1 parking at the Court Complex Shah Alam exclusively for lawyers only provided the lawyers cars has the Bar Council car sticker. As a result of the above agreement, members can now see a very visible signboard at Basement 1 stating Basement 1 parking is exclusively for lawyers only.</p> <p>As at the date of preparation of this report no fresh complaint was received by this sub-committee on the above.</p>
4.	To expedient the extraction of the CTC Order e.g. Letters of Administration, Grant of Probate, Vesting Order and Order for Sale	<p>A meeting was held with the SAR in charge of the administration of estate matters. As a result of this meeting, members of the Bar are advise to bring the Original Grant/Order together with the photocopy of the of the Grant to the Court and the particular Senior Assistant Registrar will immediately certify the documents so that these matters can be dealt with expeditiously.</p> <p>Consequently, a circular was issued to members to inform them of the above.</p>
5.	Poor air-conditioning at the lawyers' waiting area at Level 3, Right Wing and at the Bankruptcy Division at the Shah Alam Main Court Complex	<p>These issues were raised by Members of the Bar. Upon receiving this complaint, SBC quickly acted upon it and raised this issue with the Court.</p> <p>The Court took heed of SBC's complaint and suggestions and the court has taken steps to improve the system, amongst them, by placing fans at the affected waiting area.</p> <p>As at the date of preparation of this report no fresh complaint was received by this sub-committee on this issue.</p>
6.	A complaint was received from a member of Bar around 20 th March 2014, that cars having the	<p>Upon receiving this complaint, the SBC sent an investigative team and found that, at the time of the complaint, this issue was recently introduced in the Selayang Court.</p>



	<p>Selayang Court's car sticker only, are allowed to park within the court compound – and – those without the Selayang Court's sticker are not allowed to park their car in the Selayang Court premises.</p>	<p>As a result, we immediately addressed this raised with the Selayang Court and the Pengarah of the Selangor Court.</p> <p>Notwithstanding Selayang Court reasoning to have this practice enforced, SBC stood firm with their position that lawyers cars with the Bar Council sticker is sufficient for lawyers to park their cars in the Court compound of the Selayang Court without the need to purchase the Selayang Court car sticker.</p> <p>Consequently this issue was resolved whereby the Selayang Court immediately revoked this practice and agreed with SBC stand.</p>
7.	<p>A complaint was received from a member of the Bar regarding the refusal of a Senior Assistance Registrar to grant an adjournment.</p>	<p>Upon receiving this complaint, SBC promptly raised this issue with the honourable court and this issue was resolved whereby the Court said, in principle, the court agreed to grant an adjournment provided counsel is able to give a valid or cogent reason when requesting for an adjournment.</p> <p>Thereafter SBC communicated the above to the Complainant.</p>
8.	<p>Complaints were received from the member of the Bar regarding the lifts at the Shah Alam Court Main building</p>	<p>The issue was raised with the court on numerous occasions.</p> <p>The court has taken steps to upgrade or repair the lifts.</p> <p>In fact one of the lifts is completely new and is working well. As the remaining 2 lifts, upgrading and repair work is in progress now.</p> <p>As at the date of preparation of this report no fresh complaint was received by this sub-committee.</p>
9.	<p>Complaints received from members of the Bar on slow extraction of documents via e-filing.</p>	<p>When this issue was raised to SBC, we always immediately communicated with the complainants and requested for the filing receipts.</p> <p>Thereafter upon receiving the above documents, we promptly raised this issue with the court. The court</p>



		<p>immediately took cognizance of this issue and ensured documents were extracted within the same day in relation to the said complaints.</p> <p>In fact, whenever this type of complainant were brought to our attention and steps taken by SBC, the documents were ready for extraction within a few hours after SBC intervention.</p> <p>In all cases, complainants thanked SBC for their swift action on this issue.</p>
10.	<p>A query was received from a legal firm requesting clarification for the need to file an Order for Grant Letter of Administration on top of the payment for the issuance of the Grant for Letter of Administration.</p>	<p>Upon receiving this query, SBC raised this issue with the Court namely with Puan Farah Nasihah binti Annuar</p> <p>The Court informed SBC the following:-</p> <ol style="list-style-type: none"> 1. it is the requirement of the Employee Provident Fund (“EPF”) that in order for the Administrator of the Estate of the deceased to withdraw the deceased’s fund from EPF, an Order of Court to the effect must be enclosed to EPF; 2. hence to assist Administrators to withdraw the deceased’s fund without unnecessarily having bureaucratic difficulties, the Shah Alam Court, with effect from 1st June 2014, have requested Members to file for an Order to the effect that the Administrator is allowed to withdraw the deceased’s funds from EPF, once the Order is granted by the Court on the application for a Letters of Administration; and 3. to avoid fraud in estate matters. <p>On a separate note, for the application of grant of Probate or Letters Of Administration, Members are to complete the list of liability of the estate of the deceased and if there is no liability, then a remark is to be inserted as “TIADA”.</p> <p>Consequently, a circular was issued by SBC to members to inform them on both the above matters.</p>
11.	<p>A complaint was received from a member of the Bar that the Selayang Court refused to accept the filing</p>	<p>Upon receiving this complaint, SBC informed the complainant that based on Appendix C of Rules of Court 2012, the Adoption Act is not in the List of Exempted Laws.</p>



	<p>of an Adoption matter by way of Petition</p>	<p>Therefore Rules of Court 2012 will apply in relation to Adoption matters whereby Originating Summons needs to be filed rather than by way of a Petition.</p> <p>Upon highlighting this point to the complainant, the complainant was grateful for SBC.</p>
<p>12.</p>	<p>On 23.9.2014, the Chief Registrar Of the Federal Court requested for our views on the proposed transfer of Civil Cases (Sessions & Magistrates Court) from Sepang to Bangi.</p>	<p>Before we responded to the Chief Registrar, we made our investigations and observation on 25.9.2014 on the feasibility and the ability of Bangi Court to cope with cases from Sepang.</p> <p>After our investigation & observation, we responded to the Chief Registrar by saying we have no objection for the Sessions/Magistrate Court Civil Cases of Sepang to be transferred to the Bangi Sessions/Magistrates Court provided the following factors are and must be taken into account, namely:-</p> <ol style="list-style-type: none"> 1. There should be sufficient Sessions/Magistrates in Bangi Court to deal with the Sessions/Magistrate Court Civil Cases from Sepang, otherwise the Sessions/Magistrates Court in Bangi will be overloaded with cases which will in turn may cause a back log; and 2. When the Sessions/Magistrate Court Civil Cases from Sepang are transferred to the Sessions/Magistrates Court in Bangi, the hearing date or the trial date are to be vacated. Instead a new mention or Case Management date is fixed at the Bangi Court so that the Bangi Court could fix a suitable trial/hearing date which is suitable to all parties including the Bangi Court. The rationale for this, is that, sometimes, lawyers who may have previously fixed more than 1 case in the Sepang Courts for example 1 Criminal Case in Sepang and 1 Civil Case in Sepang. He/she will now have to travel to the Bangi Court for his/her Civil Case and at the same time be at Sepang Court for his/her Criminal Case. Thereby causing difficulty to those affected lawyers to be present at 2 different locations at the same time. <p>The Chief Registrar on 2.10.2014 replied and thanked us for our suggestion and will inform us on the above proposal. As at the date of this report, the Chief</p>



		Registrar has not reverted and neither has there been transfer of Civil Cases (Sessions & Magistrates Court) from Sepang to Bangi.
--	--	--

3. This Sub-Committee extends our appreciation to the Court for their co-operation in resolving issues and concerns raised by SBC.
4. I wish to express my utmost gratitude and appreciation to the Chairman of the Selangor Bar Committee Mr. Vishnu Kumar and to my Sub-Committee member Mr. Tieh Siaw Siong for their guidance, support and suggestions to enable me to carry out my duties and responsibilities during the term and also for giving me the opportunity to serve in this sub-committee and entrusting me with this post.
5. I would like to thank the members of the Selangor Bar Committee, this sub-committee Members and the Selangor Bar Secretariat Staff for their invaluable contribution, commitment, assistance and support throughout this term.

Report submitted by:-

Yu Ai Ting
Chairperson,
Civil Law Court Liaison Sub-Committee