

1 THE MALAYSIAN BAR AND THE SELANGOR BAR

The Malaysian Bar

- 1.1 The Malaysian Bar is a creature of statute originally established under the Advocates and Solicitors' Ordinance 1947 which Ordinance was subsequently repealed and replaced by the Legal Profession Act, 1976 (Legal Profession Act). It is an independent Bar whose aim is to uphold the rule of law and the cause of justice and protect the interest of the legal profession as well as that of the public.
- 1.2 The legal profession in Malaysia is a fused one with a diverse membership of approximately 17,042 members as at 1st July 2016 and its membership is increasing by 10-15% annually. Each Advocate and Solicitor is automatically a member of the Malaysian Bar as long as he/she holds a valid Practising Certificate.
- 1.3 The Bar Council comprises 36 members who are elected annually to manage the affairs and execute the functions of the Malaysian Bar. The Council consists of the President, the Vice-President, the immediate past President, the Chairman of each of the 11 State Bar Committees, 1 member elected by each of the 11 State Bars to be its representative to the Bar Council and 12 members elected from throughout Peninsular Malaysia by way of postal ballot.
- 1.4 The President, Vice-President and the Secretary are elected annually by the Bar Council at its first meeting which is traditionally held immediately after the Annual General Meeting of the Malaysian Bar. The Treasurer is also appointed at that meeting.
- 1.5 They are full time practitioners and their honorary appointments are subject to re-election every year. The office bearers cannot hold office for more than 2 consecutive years. The Bar Council takes office at the conclusion of the Annual General Meeting and concludes at the Annual General Meeting of the following year. The members serve on a voluntary basis as the Legal Profession Act prohibits payment of fees or remuneration.
- 1.6 To ensure the effective and efficient management of the affairs of the Malaysian Bar, the Bar Council from time to time delegates its power and functions to Committees in the various States throughout Malaysia or to Committees appointed within the Council itself.

The Selangor Bar

- 1.7 Since the Advocates and Solicitors Ordinance, 1947, the Selangor Bar had catered for all legal practitioners in Kuala Lumpur and Selangor making it the largest State Bar in the country. When the Federal Territory of Kuala Lumpur was established in 1974, the Selangor Bar continued to cater for members practising in the Federal Territory and being called the Selangor and Federal Territory Bar until 1992 when the Legal Profession Act was amended. The Kuala Lumpur Bar (KL Bar) was thus established on the 1st of July, 1992 at a general meeting of Advocates and Solicitors practising in the Federal Territory of Kuala Lumpur held under Section 68(4) of the Legal Profession Act.

****The information relating to these bodies is based substantially on information which can be found on the Malaysian Bar and Selangor Bar websites.***

- 1.8 The Selangor Bar is led by a Committee comprising the Chairman of the Selangor Bar and ten other members who are elected annually at the Annual General Meeting. The Committee is also empowered to co-opt two additional members into the Committee. The co-opted members can participate in the deliberations of the Committee but have no voting power. The Chairman is an *ex-officio* member of the Bar Council and a representative to the Bar Council is elected by members of the Selangor Bar at their Annual General Meeting.
- 1.9 The Honorary Secretary is appointed by the Committee from amongst the members of the Selangor Bar but by convention will be from the elected Committee. The Selangor Bar Committee (SBC) currently has twelve sub-committees to undertake a host of projects and activities. Pupils are encouraged to participate in these sub-committees.
- 1.10 The brief details of each sub-committee for the 2016/2017 term are set out below and subject to change from term to term.

Civil Law Court Liaison

The committee ensures that there is continuous communication and feedback with the Courts in Selangor for the betterment of the administration of justice and the Selangor Bar. It looks at and sets in place procedures and systems that will enhance the practice of law in the Courts in Selangor. It also manages complaints of members of the Selangor Bar in relation to their practice in the Courts in Selangor.

Continuing Legal Education

The committee is dedicated to the professional development programmes of all members of the Selangor Bar and pupils and draws up events/talks for its members. It offers members and pupils, through its various programmes, an opportunity to fortify their legal knowledge and receive updates in legal developments in their respective areas of expertise. This would include programmes and talks designed to ensure that pupils and members are equipped with all relevant skills to meet the challenges of the practice of law.

SBC has made it a requirement for all pupils to attend at least 4 talks run by this committee during their pupillage in order to be qualified to be called to the Bar.

Pupils' Affairs

Each year, Pupils Affairs sees more than a hundred pupils from the Selangor Bar being successfully called to the Bar.

In order to enhance knowledge and create awareness amongst the soon to be members of the Bar, the SBC ruled that all Pupils are required to attend four compulsory talks/seminars held by the Selangor Bar. In line with this requirement/ruling, Pupils Affairs works closely with Continuing Legal Education to ensure all Pupils attend the four compulsory talks to supplement the pupillage experience.

Introduction sessions are held with Pupils at the SBC Conference Room and each Introduction session is attended by approximately between 30 to 60 pupils from within Selangor. While being introduced to the committee members of the SBC, the pupils will be given a briefing on the various fields of law, a general guideline on the rules and regulations that are required to be adhered to by members of the Bar and a reminder on procedural and substantive requirements that are to be fulfilled by the pupils at each of the Introduction session. The pupils are given an opportunity to ask questions and clear any doubts that they may have.

In addition to this, the Pupils' Affairs is always open to assist with any questions, problems or complaints that pupils may face during their pupillage period or clarification on matters pertaining to the pupils cause papers towards their admission to the Malaysian Bar.

Pupils' Affairs will arrange for a senior member of the Selangor Bar or the committee's chairperson to attend the hearing of the pupils' Petition for Admissions, which are held from time to time at the Shah Alam High Court.

Pupils' Affairs with the Court's participation, assists with the arrangement of a photography session and tea session for the pupils after every sitting batch of pupils to celebrate the admission of the pupils as members of the Bar and to welcome our new brothers and sisters at law.

It is hoped that this tradition will go on and we hope to continue to see more groomed members of the Bar stepping out with poise and grace as successful members of the Bar.

Conveyancing Practice & SREC

This committee identifies and resolves issues and complaints of members of the Selangor Bar in the area of conveyancing and assist members in dealing with the Land Offices, Stamp Duty Offices, the Treasury Housing Loan Division of Malaysia, Banks, etc. It also aims to enhance the relationship and communication with all parties involved in the conveyancing practice and works hand-in-hand with the Conveyancing Practice Committee of the Bar Council, KL Bar and other State Bars (as and when necessary) in order to achieve these objectives.

Criminal Law

This committee ensures that there is continuous communication with the Selangor Criminal Courts, the police and other relevant stakeholders for the betterment of the administration of the criminal justice system. It looks at and sets in place procedures and systems that will enhance the practice of criminal law in the Selangor Courts and deal with complaints of members of the Selangor Bar in relation to the practice of criminal law in the Selangor Courts.

Environment & Young Lawyers

This term sees the combination of the environment and young lawyers portfolios in one committee. On the environmental aspect, members work on a range of issues spanning from transboundary haze pollution to wildlife trafficking. As lawyers, we are in one of the best positions to effect positive change. All human activities, domestic or industrial, have profound impacts on people and the planet. The impetus for action is great. Inaction on our part will inevitably perpetuate and reinforce the present flawed system. This aspect of the committee is not only for young lawyers. Senior lawyers share the same planet too. As custodians of the environment, our generation has been doing a terrible job. However, there are reasons for hope. Many people, including legal communities, are taking innovative and positive action all over the world. Collectively, we too can play a part.

As for the young lawyers aspect, the committee exists to take care of the interests of young lawyers and pupils. It is also a place for young lawyers and pupils to get together to socialise and network. We often organise social and sporting events. One of it is the Young Lawyers Fraternity Dining event where selected young lawyers get to dine with senior members of the Selangor Bar in an English inns-style setting.

Human Rights, Charity and Welfare

This committee manages and oversees the Human Rights activities which involves identifying the issues faced by the public which includes minority and discrimination based on Gender, Disability and Sexual Orientation. The charity & welfare wing tries to enrich the lives of underprivileged segment of the society and the welfare of the Selangor Bar members.

Legal Aid and YBGK

This committee manages and oversees the running of the Bar Council Legal Aid Centre in Selangor. The main objectives of the Legal Aid Centre are to protect and assist the public in all matters ancillary or incidental to the law and to provide for or assist in the promotion of a scheme whereby impecunious persons may be represented by Advocates and Solicitors.

Yayasan Bantuan Guaman Kebangsaan (YBGK) was set-up by the Government to provide people who cannot afford legal representation of criminal cases. The Bar assist YBGK by providing lawyers who volunteer to adopt criminal cases for a nominal fee which is paid by YBGK.

Publications Committee

This committee publishes the newsletter of the Selangor Bar called "AdRem". "AdRem" consists of articles touching on legal issues, human rights, information technology and includes interviews with judges and lawyers. It also handles other publications of the Selangor Bar such as the Annual Report, Memoriam Booklet, etc.

Social Events

This committee organises events to promote interaction and comradeship amongst members of the Selangor Bar. It organises "*Malam Suai Mesra*", a social event annually for members of the Bar to interact. It also organises the Selangor Bar Annual Dinner and Dance. It also promotes cordial relationship with the Courts and government agencies. It also raises funds for charitable or community projects.

Sports

This committee organises sports activities to promote interaction amongst members of the Selangor Bar and other State Bars and with members of other associations.

Syariah & Bahasa Malaysia

This committee promotes the use of Bahasa Melayu and deals with Syariah issues and cases that may affect members of the Bar.

2 ADMISSION TO THE BAR

- 2.1 Admission to the Bar in Malaysia is governed by the provisions of the *Legal Profession Act 1976* ["LPA"] particularly *Sections 10 to 19* read with Section 3.
- 2.2 To be eligible for admission, a candidate must satisfy all the requirements provided in the LPA. This Guide takes the position that the Pupil, being its target audience, is a qualified person and would have passed all academic and regulatory requirements.

3 THE PROCESS OF ADMISSION

- 3.1 When the Pupil decides to commence the pupillage, there will be various forms to complete. The first two forms are crucial and the subject of much distress to fresh pupils.
- 3.2 Firstly, there is Form 1 (Petition for Admission and Affidavit Verifying Petition) and Form 2 (Notice of Petition). The Pupil must be familiarised with the sample forms set out at pages 30 to 49 of this Guide.
- 3.3 With the introduction of the *Rules of Court 2012*, and the recent attempts at modernizing the processes in Court and in law firms in Malaysia, mastery of the e-filing process and flow chart is essential. This is a great time to discover if the firm the Pupil is at, has e-filing facilities or if the Pupil will have to run to court to file the admission papers electronically through the service bureaus. The benefit of firms with e-filing facilities is that they do not have to pay service charges and that helps to save on time and costs.
- 3.4 File Forms 1 and 2 at the High Court Registry. The filing fees for Forms 1 and 2 would be RM118.

- 3.5 When filing, ensure the Pupil has the originals and annex certified true copies of (a) the identity card, (b) the birth certificate, (c) the LL.B (Hons) Degree and Bar / CLP Certificate; (d) the Master's Degree / Bar / Practising Certificate, all certified as true copies by a solicitor (other than the Master), and a printout of the name and address of the Master as found in <http://malaysianbar.org.my/legaldirectory/mlawyerdetail>.
- 3.6 The copies of the originals of (a), (b) and (c) must be certified by a Senior Assistant Registrar or an Advocate and Solicitor who is not the Pupil's Master.
- 3.7 If the name printed on the Pupil's certificates is not identical to the one in the Pupil's identity card/birth certificate, the Pupil will need to affirm a Statutory Declaration verifying the Pupil's identity (See: Chapter 9 – Sample Admission to the Bar Papers).
- 3.8 All affidavits must comply with *Order 41 of the Rules of Court 2012* and as a reminder, both the Petition for Admission and Affidavit Verifying Petition must be signed by the Pupil.
- 3.9 Check with the Registry in Court to ensure that the admission papers are in order. Make payment. Get the Petition's registration number and make 4 sets for service. The 4 sets are for service on the Bar Council, the relevant State Bar Committee, the Attorney General's Chambers; and a final copy for the Pupil's file, which would also double up as the proof of service copy.
- 3.10 Make 32 copies of Form 2 and submit the copies to the Registry. The Registry will distribute the copies for posting at each High Court of Malaya.
- 3.11 Ensure that the Bar Council, State Bar Committee and the Attorney General's Chambers acknowledge receipt of the Pupil's papers by stamping at the back of the Pupil's file and proof of service copy/registered post.
- 3.12 After service on each of the 3 regulatory bodies, prepare an Affidavit of Service and attach as an exhibit, a photocopy of the sealed Form 1 and Form 2.
- 3.13 File the Affidavit of Service by e-filing, with the filing fee of RM8. Ensure that this is done as soon as possible, because this would determine how soon after the Pupil may apply for limited rights of audience under *Section 36(2) LPA* (colloquially known as "the Short Call").
- 3.14 Ensure all Forms 1 and 2, and the subsequent forms are accurate and without errors. Any errors in the Forms that have been filed can only be corrected by making an application to Court by way of a summons in

chambers with an affidavit in support. This underscores the need to be meticulous, patient and careful.

The Short Call

- 3.15 Form 3 (Summons in Chambers), Form 4 (Pupil Master's Affidavit) and Form 5 (Pupil's Affidavit) immediately after Forms 1 and 2 have been filed and served on the 3 regulatory bodies. The filing fees for these documents are RM36 (See: Chapter 9 – Sample Admission to the Bar Papers).
- 3.16 Complete Forms 3, 4 and 5 and file to the High Court Registry. A date will be fixed for the Short Call which will give the Pupil rights of audience in the Magistrates Court and in chambers in the High Court.
- 3.17 Make 4 copies of Forms 3, 4 and 5 and serve on the Bar Council, State Bar Committee and Attorney General's Chambers.
- 3.18 Prepare and file an affidavit of service and attach as an exhibit, a photocopy of the duly acknowledged and stamped Forms 3, 4 and 5. Ensure that affidavit of service by the Pupil is filed at least ten working days before the date of the Short Call. The filing fee for this document is RM8.
- 3.19 Collect the letters of 'No Objection' from the Bar Council and State Bar Committee offices any time before the date of fixed for the Short Call.
- 3.20 Prepare 2 copies of the Pupil's draft Order (See: Chapter 9 – Sample Admission to the Bar Papers).
- 3.21 The Pupil has to ensure that the following documents are ready and on hand (a) 2 copies of the draft order, (b) the original copies of Forms 1, 2, 3, 4 and 5, (c) Copies of affidavits of service for Forms 1, 2, 3, 4 and 5; and (d) Letters of no objection from Bar Council and the State Bar Committee.
- 3.22 An advocate and solicitor of any standing, whether from the Pupil's firm or otherwise (usually overseen by the Master) can move the Short Call and let the said advocate and solicitor peruse and vet the Pupil's papers to ensure they are in order. Request the said advocate and solicitor (colloquially known as "the Mover") to sign both copies of the Pupil's draft order.
- 3.23 On the day, dress for chambers (See: Chapter 5 – Court Attire).
- 3.24 After the Short Call proceedings is completed, the Pupil is required to prepare beforehand and file 2 copies of draft order with the High Court Registry.

- 3.25 One copy of the draft Order will be returned to the Pupil by the Court with amendments (if any).
- 3.26 Amend the draft Order accordingly and file two copies of the amended Order (i.e. the fair Order) in the High Court. The filing fee for this document is RM40.
- 3.27 Once the fair Order in question has been sealed and extracted submit a copy to the Bar Council.
- 3.28 It is important to understand the effect and terms of the Short Call order
- (i) Immediately after the Short Call order, the Pupil may appear before (a) High Court Judge or Registrar in Chambers, (b) a President of the Sessions Court or a Magistrate in Chambers, and (c) any Registrar of the Subordinate Courts – for a case management, including entering a judgment in default, or to apply for bail or to enter a consent judgment or order.
 - (ii) 3 months following the date of the Short Call, the Pupil may also appear in Chambers in the High Court and in the Subordinate Courts and before any Magistrate in open court to conduct any cause or matter.
- 3.29 In the course of the ensuing excitement of the conclusion of the Short Call hearing, it is easy to forget to do the following and lose out on time. The Pupil ought to consider doing the following immediately after Forms 1 and 2 are filed.
- (i) Sign up for the Ethics Course and the E-learning Programme with the Bar Council by paying the prescribed fee (presently it is RM150 for the Ethics Course and RM30 for the E-learning Programme).

After passing the Ethics Examination, collect the Certificate of Due Diligence and Completion of the Ethics Course Programme (Ethics Certificate) from the Bar Council. The Ethics Certificate however will not be released to the Pupil without the Short Call Order.
 - (ii) Register for the compulsory 14 days legal aid duty at the Bar Council Legal Aid Centre of the State where the Pupil's pupillage is being carried out.
 - (iii) Apply for a Bahasa Malaysia (BM) exemption certificate (if the Pupil has obtained at least a Credit in BM in SPM or 'O' Level Examination or any equivalent examination). To apply, go to the Legal Profession Qualifying Board.

Bring along a “Certified True Copy” of the Pupil’s SPM certificate or ‘O’ Level Examination Certificate to the Board together with a fee of RM100. Obtain a receipt. The Pupil can either collect the BM exemption certificate a month later or request the certificate to be sent to the address of the Pupil Master’s firm.

If the Pupil did not obtain a Credit in BM in SPM or have not sat for a BM ‘O’ Level Examination, fret not. All that is required is for the Pupil to enrol for Board’s Bahasa Malaysia Oral Examination.

Two Months before the pupillage period ends

- 3.30 The Pupil undergoing their pupillage in Selangor, must confirm with the person in charge of admissions the Selangor Bar Committee (SBC) as to whether the Pupil’s “Particulars of Petitioner Form” and “Referees Form” (which were submitted earlier, otherwise please re-submit the said forms immediately) are in the Pupil’s file at SBC. The Pupil also has to confirm if both Referees in question have furnished SBC with their Reports as to the Pupil’s good character. If not, ask the Admission Clerk for 2 copies of the Referee’s Report Format for the 2 Referees to complete and sign. Once the Pupil’s 2 Referees have completed and signed the Report, submit the 2 Reports to the SBC to enable the processing of the Pupil’s Confidential Report (subject to the Pupil having attended the introductory meeting – see Question 31 at Chapter 7 – Frequently Asked Questions and having attended the 4 compulsory talks at SBC).

Three weeks before pupillage ends

- 3.31 The Pupil has to ensure its has received the Certificate of Completion for participating in the Legal Aid programme from the Bar Council Legal Aid Centre of the particular state in question. (This can be done earlier about 2 or 3 weeks after the Pupil has completed the required 14 days of legal aid duties).
- 3.32 Check with the staff at the Petition for Admissions Unit at the High Court [“Admissions Unit”] whether the posting of the Pupil’s Form 2 is complete. If it is, the Admission Unit will issue to the Pupil 2 copies of the Certificate of Posting Forms for completion of particulars. Consider filling out the forms carefully, otherwise there is the risk of paying a further RM20 to obtain new set.
- 3.33 The Pupil should follow up and turn up at the said Admissions Unit 2 days later to extract 1 copy of the Certificate of Posting which has been duly signed by the Senior Assistant Registrar. Once extracted, do not lose the forms as the forms are required to be tendered as exhibits for the completion of Form 6.

- 3.34 The Pupil is required to call up the State Bar Committee to check whether the Pupil's Confidential Report has been processed and completed. If not, continuously follow up with the State Bar Committee to do it. The State Bar Committee should then send the Confidential Report to the Bar Council. Confirm that the Bar Council has received the Confidential Report from the State Bar Committee. The Bar Council should then forward the Confidential Report to the Admissions Unit. Confirm with the Admissions Unit later. (This is important – the Confidential Report must be in the Court's file when Form 6 is filed)
- 3.35 Pay the Disciplinary Fund of RM200 to the Disciplinary Board. It is important to obtain and keep the receipt.
- 3.36 Bring the Disciplinary Fund receipt to the Bar Council, Accounts Department. The Pupil is to inform the receptionist of the intention to make payment for the Instrument of Admission Fees. The receptionist will then supply the Pupil with a form to fill. Fill out the form and show the receptionist the Pupil's Disciplinary Fund receipt together with the Instrument of Admission fee of RM30. Obtain and keep the receipt.
- 3.37 Then go to, and inform the Membership Department that the fee of RM30 for the Instrument of Admission has been paid. The person in charge of drawing up the Pupil's Instrument of Admission will then ask for confirmation as whether the details on the Pupil's Instrument of Admission are correct. The Pupil is to sign off on the back of the Instrument of Admission in the event any correction, if any, has been made.
- 3.38 Get Form 6 (Affidavit), Form 7 (Certificate of Good Character) and Form 8 (Certificate of Diligence). Make another copy of Form 7 as there are 2 referees. Fill out the 2 copies of Form 7. Then, have the 2 referees respectively sign their completed Form 7. The Pupil's referees must be professionally qualified persons or persons of a similar standing and must have known the Pupil in question for more than 5 years. Lawyers from the Pupil Master's own firm can be referees but not a member of the the Pupil's family (See: Chapter 9 – Sample Admission to the Bar Papers).
- 3.40 After that, the Pupil has to approach the Pupil Master to sign Form 8 (the Certificate of Diligence). The Pupil has to ensure that Form 8 is signed after the end of the pupillage period (See Chapter 9 – Sample Admission to the Bar Papers).
- 3.41 Prepare 2 sets of Form 6 with all the exhibits – one copy for filing and another copy for record purposes.

Exhibits Documents (duplicate)

A - Birth Certificate (front and back)

B - Identity Card

C - LL.B Degree and CLP/Bar Certificate

D & E - 2 duly signed original Borang 7 (by referees)

F - Original Borang 8 duly signed by the Pupil Master and Ethics Certificate

G - BM Exemption Certificate or Examination Certificate

H - Certificate of Posting

- 3.42 Prepare 2 sets of Notice of Hearing (See: Chapter 9 – Sample Admission to the Bar Papers).
- 3.43 Prepare 2 sets of *Sijil Pengesahan Dokumen* (See: Chapter 9 – Sample Admission to the Bar Papers)

One day after pupillage ends or later

- 3.44 Affirm 1 set of Form 6 and then photocopy another set.
- 3.45 Bring the following documents to the High Court:
- a. 1 set of Form 6 and exhibits;
 - b. 2 copies of the Notice of Hearing;
 - c. 2 copies of the *Sijil Pengesahan Dokumen*;
 - d. 1 duplicate copy of each Disciplinary Fund receipt and Instrument of Admission Fee receipt; and
 - e. all the original documents, true copies of which are annexed as exhibits to Form 6 (i.e. Birth Certificate, Identity Card, LL.B degree, CLP/Bar Certificate, Ethics Certificate, Certificate of Posting.)
- 3.46 At the Registry's payment counter or by e-filing, pay the filing fees of the following documents:
- a. 1 set of Form 6 and all the exhibits (RM8);
 - b. 2 copies of the Notice of Hearing (RM10); and
 - c. 2 copies of the *Sijil Pengesahan Dokumen* (RM20).
- 3.47 The documents will be returned to the Pupil together with a receipt by the cashier. Hand them to the Admissions Unit together with the following:
- a. 1 duplicate copy of each Disciplinary Fund receipt and Instrument of Admission Fee receipt; and;

- b. All the original documents, true copies of which are annexed as exhibits to the Pupil's Form 6 (i.e. Birth Certificate, Identity card, LL.B Degree, CLP/Bar Certificate, Ethics Certificate, Certificate of Posting.)
- 3.48 Thereafter, the hearing date for the Pupil's Admission to the Bar will be given immediately. Once hearing date is obtained, ensure that the Pupil Master complies with *Rule 10.04* of the *Bar Council Rulings* and arranges for a counsel to the Pupil's Admission to the Bar. The Mover must be an Advocate and Solicitor of at least 7 years' standing and must not be from the Pupil Master's firm. Once the Pupil Master confirms the Mover, the name of the Mover moving the Pupil's Admission to the Bar must be submitted to the Selangor Bar Committee or the State Bar Committee of relevance. The Pupil is expected to contact the Mover, to provide an introduction of the Pupil and inquire what information or other requirements the Mover may need to prepare the speech for the Pupil's Admission to the Bar. It is extremely common for the Mover to ask for a copy of the Pupil's resume to be better acquainted or familiar with the Pupil in question. It is of course, advisable to exchange contact numbers to allow for further consultation concerning the said speech.
 - 3.49 On the following day, the Pupil is to collect the original certificates and sealed copies of the Notice of Hearing and the *Sijil Pengesahan Dokumen* from the Admissions Unit.
 - 3.50 The Pupil will now have in its possession, the following:
 - a. 1 sealed copy of the Notice of Hearing;
 - b. 1 original copy of the *Sijil Pengesahan Dokumen*; and
 - c. 1 set of Form 6 (duly affirmed).
 - 3.51 Make 3 copies of each of the above for service on the Bar Council, State Bar Committee and Attorney General's Chambers. Original copies are to be served on the Attorney General's Chambers. Form 6, the Notice of Hearing and the *Sijil Pengesahan Dokumen* must be served on the parties within 7 days of the filing of the Affidavit and no later than 10 days before the hearing.
 - 3.52 The Pupil is to serve the same on the 3 bodies and provide contact details. Make sure all 3 bodies acknowledge by their respective stamps on the back of the Pupil's file copies.
 - 3.53 The Pupil has to then prepare an Affidavit of Service and make photocopies of the documents involved in the process of service of documents mentioned at paragraphs 3.51 and 3.52 above. Remember to include copies of the acknowledgement stamps from the 3 bodies and also endorse the page with the said acknowledgement stamps.

- 3.54 Affirm the Affidavit of Service and file it at the Shah Alam High Court for RM8 IMMEDIATELY.
- 3.55 Attire appropriately when attending the Court Registry for filing purposes.
- 3.56 Use the available standard forms to minimise mistakes. Check with the Court Registry, if in doubt.

One week before hearing of Admission to the Bar

- 3.57 The 3 bodies (and the Admission Unit) will vet and ensure that the Pupil's papers are in order. The Pupil is expected to follow up and in the event, there errors or discrepancies, rectify and make the necessary amendments, if necessary.
- 3.58 The Pupil is to ensure the Mover is ready with a speech for the hearing of the Pupil's Petition in Form 1. The speech should be brief and succinct. (See Chapter 8 – Guidelines for Admission to the Bar Speech and Sample Speech).
- 3.59 Prepare 2 copies of the draft Order.
- 3.60 Check with the Court whether the hearing of the Admission to the Bar is proceeding or is to be adjourned.
- 3.61 If the hearing is to proceed, the Pupil must confirm Petition's registration number, the name of the presiding Judge, and the time and venue of the hearing. The Pupil will be amply rewarded, career wise, if such preparedness is made the hallmark of the Pupil's practise.

The Day of the Hearing of the Pupil's Petition to be Admitted

- 3.62 The Pupil has to be dressed in open Court attire (See Chapter 5 – Court Attire).
- 3.63 The Pupil must have all cause papers and correspondence, with all the relevant proofs of service, to ensure that any query by the 3 bodies or the Court can be address in short order.
- 3.64 Ensure the Pupil's Mover is supplied with and prepared with the draft Order necessary for the hearing of the Petition in Form 1.
- 3.65 As a matter of practice and due courtesy to counsel, the Pupil must introduce him/herself to to Pupil's Mover and ensure the Pupil's Mover has a copy of the speech in question.
- 3.66 Once the Pupil is admitted to the Bar, and when proceedings are over and the Judge has retired into Chambers, ensure the Pupil's Mover, counsel representing the 3 bodies to approve 2 copies of requisite draft Order and extend thanks and gratitude to all officers of the Court.

- 3.67 File only 1 copy of the draft Order and keep the second copy as an acknowledgment copy (by the Court). The newly admitted Advocate & Solicitor must ensure the copy of the draft Order is not misplaced. In the event the Court misplaces the said draft Order; the acknowledgment copy of the draft Order can be re-submitted. If newly admitted Advocate & Solicitor does not have a spare acknowledgment copy, it will necessitate the inconvenience of having to prepare a fresh draft Order to be re-approved by the respective Counsel who had appeared during said hearing of the Petition in question.
- 3.68 Extract the approved draft Order from Court later on the same day, if not the next day.
- 3.69 File the fair copy of the Order for RM150. The Pupil is to file either 2 copies over the filing counter or 1 copy by e-filing, along with a copy of the approved draft Order. Keep 1 copy of the approved in the newly admitted Advocate & Solicitor's file to be used in the event the documents need to be re-filed.
- 3.70 Extract the sealed copy of the Order a few days later. Thereafter, make 3 copies and return to the Petition for Admission Registry to make certified true copies of the sealed Order (Fee: RM8). Two copies are to be submitted to the Bar Council for newly admitted Advocate and Solicitor's application for Sijil Annual and Practising Certificate and 1 copy is retained for record and safekeeping. Keep the sealed Order in a safe place. If the Pupil misplaces it, it would be very difficult to obtain another copy.
- 3.71 Serve a copy each of the sealed Order on the Attorney General's Chambers, Bar Council and State Bar Committee. There is no need to file an affidavit of service.

4 GENERAL PUPILLAGE WORK

- 4.1 In the course of the pupillage period, Pupils should excel at familiarizing themselves with legal practice and garner as much knowledge as possible. The following list of core areas to consider during the Pupils' pupillage period is intended as a guide maximize and enhance the pupillage experience. This list is not exhaustive.

Practice and Etiquette

- a. Read the *Legal Profession Act 1976* and the *Legal Profession (Practice and Etiquette) Rules 1978*.

- b. Learn the proper conduct in Court towards the bench, court staff, opposing Counsel and witnesses.
- c. Ascertain your duties to the client and to the Court.
- d. Learn what constitutes a conflict of interest and when you are professionally embarrassed.
- e. Learn how to conduct yourself during negotiations and how to carry out without prejudice negotiations.
- f. Learn about a Solicitor's undertaking and ensuring that you have the authority and mandate to act.

Civil Litigation

- a. Familiarise yourself with the *Rules of Court 2012*, the *Subordinate Courts Act 1948*, the *Rules of the Court of Appeal 1994*, the *Rules of the Federal Court 1995* and the *Courts of Judicature Act 1964*.
- b. Drafting of Pleadings – Statement of Claim, Defence and Counterclaim and Reply.
- c. Drafting Third Party Proceedings.
- d. Drafting of Orders.
- e. Drafting of Interlocutory Applications and Affidavits.
- f. Drafting a Skeletal Argument and Written Submissions.
- g. Drafting a Letter of Demand.
- h. Preparing a Bill of Costs for taxation.
- i. Preparing Bundles of Documents.
- j. Preparing Bundles of Authorities.
- k. Attendance in Chambers for Mentions and uncontested matters.
- l. Attendance in Open Court for Mentions and uncontested matters.
- m. Attending to extraction of Court documents.
- n. Assisting a lawyer in getting up a case for trial or an application and attending Court thereafter to observe proceedings.
- o. Assisting in an arbitration and/or mediation.
- p. Preparing a Notice of Appeal and Record of Appeal.
- q. Sitting in with a lawyer when instructions are being taken from a client.
- r. Drafting letters to a client or to opposing Solicitors.

- s. Researching on points of procedure generally-you must have done research involving procedural issues and substantive law.

Criminal Litigation

- a. Interviewing clients (in the office, the police station, prison or other place of remand).
- b. Applications for bail.
- c. Attending hearings where an accused person pleads guilty to the charge, and the making of a consequent submission of a plea in mitigation on his behalf.
- d. Attending a trial-within-a-trial (*voir dire*) for the admission of a statement made by an accused person.
- e. Attending a case where a submission of “no case to answer” is made (at the close of the case of the prosecution).
- f. Drafting appeal papers (Notice of Appeal and Petition of Appeal), and attending the hearing of the appeal.
- g. Attending a criminal trial.

Non-Litigation

- a. Drafting opinions and letters generally.
- b. Researching on points of procedure and substantive law generally – you are advised to carry out researches involving Intellectual Property, the National Land Code, the Companies Act, the Contracts Act, the Insurance Act and the Stamp Act.
- c. Drafting a non-standard Sale and Purchase Agreement involving property with title.
- d. Drafting a non-standard Sale and Purchase Agreement involving property without title.
- e. Drafting a Deed of Assignment to convey property without title. Vetting Loan Documents and other documents generally.
- f. Drafting agreements generally.
- g. Preparing standard form conveyancing documents – Memorandum of Transfer and Charge, Entries and Withdrawals of Private Caveats, Discharges of Charge.
- h. Attending at a Land Office to conduct a search and to present documents for registration.
- i. Attending at the Stamp Office for stamping and extraction of documents.

- j. Going on a raid to assist in enforcement of Intellectual Property rights.
- k. Drafting a Will.
- l. Drafting a drawdown letter to a bank client.
- m. Sitting in with a lawyer when instructions are being taken from a client and when negotiations are being conducted.
- n. Participating in a due diligence exercise.

5 GENERAL

Court Attire

1. For open Court matters in the Federal Court, Court of Appeal and the High Court

For men:

- (i) Shirt: White long sleeves with white wing collar and bib.
- (ii) Slacks: Loose or regular fitting. Not Slim or tight fitting. Black / Navy Blue / Dark Grey. Narrow stripes are permissible.
- (iii) Jacket: Black. Brass buttons are not permitted.
- (iv) Socks: Black/Navy Blue/ Dark Grey.
- (v) Shoes: Black/Navy Blue/ Dark Grey.
- (vi) Robe: Black.
- (vii) Headress: Turban and Songkok are permitted.

For ladies:

- (i) Blouse: White long sleeves with white wing collar and bib.
- (ii) Skirt: Loose fitting. Not body hugging or lycra based. Black / Navy Blue / Dark Grey and its length 2 inches below the knee cap. Stripes are permissible.
- (iii) Trousers: Loose fitting. Not body hugging or lycra based. Black / Navy Blue / Dark Grey.
- (iv) Jacket: Black. Brass buttons are not permitted.

- (v) Shoes: Black / Navy Blue / Dark Grey. Sandals or Open-toe or footwear that expose one's heels are not permitted in Court, save instances of medical grounds.
 - (vi) Robe: Black
 - (vii) Head-dress: Black / White / Navy Blue / Dark Grey.
 - (iv) Traditional Wear: Not glaring colour Black or White on Black and appropriate for formal use.
 - (v) Nylon Stockings: Only skintones are permissible. Patterns are not permitted. (Optional)
2. Costume Jewelry or Accessories – All lawyers (male and female) are prohibited from wearing any emblem, ribbon, badge, band etc. which symbolises any political party or political motive.
 3. For Sessions Court, Magistrates Court and in Chambers in the High Court, the attire as above except:
 - a. No robes;
 - b. White turndown collar with sober coloured tie (wing collar with bib is permitted); and
 - c. For ladies who choose to wear tie, the tie must be of sober colour (wing collar and bib permitted).
 4. Chamber matters held in Open Court. Such matters are still Chamber matters and the dress code is as stipulated in paragraph 3 above.
 5. While the above guidelines are prescriptive, pupils are nevertheless, reminded to stand guided by the Bar Council Circular No. 004/2012 which refers to Federal Court Circular dated 1st November 2000, which can be found at <http://www.selangorbar.org/content_dtl.php?id=25593>.

How to Address the Court

1. At Hearings:
 - a. Chief Justice – Yang Amat Arif
 - b. Chief Judge, High Court, Malaya – Yang Amat Arif
 - c. President Court of Appeal – Yang Amat Arif
 - d. Chief Judge, High Court, Sabah & Sarawak – Yang Amat Arif

- e. Judges of the Federal Court, Court of Appeal and High Court – Yang Arif
- f. Registrars – Tuan/Puan Pendaftar
- g. Sessions Court Judges – Tuan/Puan Hakim
- h. Magistrates – Tuan/Puan Majistret

2. In Correspondence:

- a. Chief Justice – Yang Amat Arif. Ketua Hakim Negara
- b. President Court of Appeal – Yang Amat Arif Presiden Mahkamah Rayuan
- c. Chief Judge, High Court, Malaya – Yang Amat Arif Hakim Besar Malaya
- d. Chief Judge, High Court, Sabah dan Sarawak – Yang Amat Arif Hakim Besar Sabah dan Sarawak
- e. Judges of the Federal Court – Yang Arif Hakim Mahkamah Persekutuan
- f. Judges of the Court of Appeal – Yang Arif Hakim Mahkamah Rayuan
- g. Judges of the High Court – Yang Arif Hakim Mahkamah Tinggi
- h. Registrars – Tuan/Puan Pendaftar
- i. Sessions Court Judges – Tuan/Puan Hakim Mahkamah Sesyen
- j. Magistrates – Tuan/Puan Majistret

Note: When writing to Judges in the High Court and above, address the letter to the Secretary of the Judge in question e.g. *“Setiausaha kepada Yang Arif Hakim Mahkamah Tinggi”*.

When writing to Judges in the Sessions Court, address the letter to the Registrar of the Court in question e.g. *“Pendaftar, Mahkamah Sesyen 1”*

6 NOTICE OF FILING PETITION BY WAY OF E-FILING GENERAL INFORMATION OF PUPILLAGE PROVIDER

AUG-16-2011 10:46AM FROM-MTKL RKK 03 62084494 T-690 P.003/003 F-062



AMBIL PERHATIAN

**GARIS PANDUAN PEMFAILAN PETISYEN MELALUI e-FILING DI BAGHAIAN
PETISYEN PENERIMAAN MASUK PEGUAMBELA DAN PEGUAMCARA**

- 1) BORANG 1
- 2) AFIDAVIT
- 3) NOTIS
- 4) SURAT BERANAK - salinan yang telah disahkan oleh peguam (selain pengajar)
- 5) KAD PENGENALAN - salinan yang telah disahkan oleh peguam (selain pengajar)
- 6) IJAZAH/BARRISTER/SIJIL AMALAN GUAMAN - salinan yang telah disahkan oleh peguam (selain pengajar)

- 7) MENYEMAK NAMA DAN ALAMAT FIRMA PENGAJAR DI :
<http://malaysianbar.org.my/legaldirectory/mlawyerdetail>
dan perlu dicetak dimana salinan perlu ditunjukkan kepada kakitangan bahagian petisyen untuk disemak.

contoh :

About ABDUL RAMAN B HJ SAAD	
Name	ABDUL RAMAN B HJ SAAD
Date of Admission	18-09-1977
Qualification	SINGAPORE
Firm	ABDUL RAMAN SAAD & ASSOCIATES
Branch	Johor Bahru
Firm's Address	LEVEL 12 MENARA PIRANGI JALAN KUNING, TAMAN PELANGI JOHOR BAHRU
Firm's Tel	07-3342266 / 07-3330222
Firm's Fax	07-3349490 / 07-3344708

Sekiranya pihak Tuan/Puan gagal mematuhi arahan ini maka dokumen anda akan **DITOLAK** serta merta. Hanya dokumen-dokumen yang telah mendapat pengesahan daripada kaunter petisyen sahaja yang boleh didaftarkan secara e-filing.

7 FREQUENTLY ASKED QUESTION

1. **When do I commence pupillage?**
You may start your pupillage as soon as you have filed your Petition.
2. **How do I know if my law degree or the university where I am pursuing my law degree is recognised?**
You should have made your query before you even commenced your law course. In any event, do inquire at the Legal Profession Qualifying Board, Malaysia. Indeed any or all queries concerning qualifications that may entitle a person to become a qualified person or the purposes of the Legal Profession Act should be directed to the Qualifying Board. (Tel: 03-26910054/80, Fax: 03-26910142 or email: clp_malaysia@yahoo.com)
3. **Is there a time-limit for starting my pupillage?**
No.
4. **Where do I start?**
Choose a firm. Vacancies for pupillage are often advertised on the State Bar website and the Malaysian Bar website. Some firms also advertise their vacancies on the notice board in the Bar Room in Court and in the newspapers.
5. **What am I required to do when I commence pupillage period?**
The firm you choose will allocate you with a pupil master who will be responsible for you during pupillage. You must immediately file the relevant forms with the High Court of Malaya at Kuala Lumpur. Many firms provide their pupils with assistance in the filing of their Admission to the Bar papers and some firms would bear the expense. You may wish to ascertain this during your interview. If your firm does not organise this for you, you should purchase the Petition for Admission Forms from the Bar Council at RM5 per set. See pages 15-22 for details.
6. **How do I decide where to do my pupillage?**
Most firms require a written application and will decide on whether to offer you a position based on your resume and how you perform during the interview. Candidates choose firms based on different reasons including the areas of law that interest them, the nature of training and guidance given, etc. You would be well advised to visit the firm's websites, speak to someone who has undergone pupillage in that particular firm, and make your own personal inquiries from friends, colleagues or members of the Bar whom you may know or have met if possible, before you make a decision.

7. **How long is my pupillage period?**

Nine months.

8. **Is my pupillage full time?**

Yes. It is the pupil's duty to apply him or herself fulltime to pupillage. A pupil is not allowed to "moonlight" during pupillage unless they obtain special leave in writing from the Bar Council.

9. **Who can be my pupil master?**

An Advocate and Solicitor who is in possession of a valid practising certificate and has been in active practice in Malaysia for a total period of not less than seven years is eligible. You are advised to check the status of your pupil master with the Bar Council before you commence pupillage. (Tel: 03 2050 2050 – Bar Council Membership Department).

10. **Can I serve as a pupil to a relative who is an Advocate and Solicitor?**

Yes, even your spouse, child, sibling or parent can take you on as a pupil.

11. **How many pupils can a pupil master have at any one time?**

Unless there is approval of the Bar Council, a pupil master may not take on more than 2 pupils at any one time.

12. **Should I expect to work closely with my pupil master?**

Ideally, you should be closely supervised by your pupil master. However, different pupils have different experiences. You may wish to make this inquiry during your interview.

13. **What do I do if I do not possess a minimum credit in my Bahasa Malaysia SPM examination paper or I have sat for the SPM in the first place?**

You may sit for the Bahasa Malaysia Qualifying Exam conducted by the Qualifying Board. You are advised to contact the Qualifying Board to secure information about the examination. It is an oral examination conducted by a special panel appointed by the Qualifying Board. Alternatively, you may sit for the GCE 'O' Level Bahasa Malaysia examination.

14. **What kind of exposure and work should I expect during my pupillage period?**

You should expect to gain exposure in the practice of your chosen legal firm. Some firms have policies of allotting a pupil to a certain department or practice group, some firms put their pupils on a rotation system and in other firms it is very much a free for all situations. You would be well advised to find out what work and exposure is given to the pupils during your interviews with the different firms.

15. **Am I expected to carry out work that is meant to be done by legal clerks like despatch, filing or other administrative work like photocopying and binding documents?**

There have been instances where pupils have been asked to carry out the work of clerks and other administrative persons in law firms. Although in a busy legal practice, it may be understandable that pupils may be asked at times to assist in some urgent administrative work, pupils are certainly not expected to substitute the work of office clerks on a fulltime basis. It should be noted that administrative work forms part and parcel of legal practice. It is a useful skill and valuable knowledge when you commence your practice. You should not view it as something beneath you.

16. **Should I expect to be paid during pupillage period?**

Almost all firms pay their pupils some form of allowance. Pupils should also expect to be reimbursed for any incidental expenses incurred due to work carried out on certain client files like travelling to Court, etc. Don't be shy to inquire about the amount of allowance, claims and benefits during your interviews.

17. **Can I take a break during my pupillage?**

Pupillage is intended not only to be full time but continuous. The Legal Profession Act does not contemplate a break during pupillage. But if you need to take a break or go on leave during your period of pupillage, PRIOR written consent of your Master and the Bar Council must be sought and obtained and the number of days taken must be replaced before the expiry of your period of pupillage.

18. **Can I be in different offices from my master?**

No, some firms have branches in different parts of Malaysia. You must ensure that you and your master are in the same office at all times even if your firm has branches elsewhere.

19. **Does a pupil require professional indemnity insurance?**

A pupil does not have to take his or her own insurance as he or she should be covered by the firm's insurance.

20. **Do I have rights of audience in Court during my pupillage period?**

Only after you have obtained the appropriate Order of the Court which is commonly referred to as the 'short call' order under Section 36(2) of the Act; you will have rights of audience before a Judge or a Registrar in chambers in the High Court, Sessions Court and Magistrates Court. Three

months after the date of the said Order, you will have additional rights of audience before a Magistrate in open court. You do not have any rights of audience in open Court matters in the High Court or in the Sessions Court during your pupillage. You are allowed to appear on behalf of your master to mention cases in chambers and open Court in the Industrial Court. You do not, however, have rights of audience in the Syariah Court. See pages 15-22 for details.

21. **Can I argue contested matters during my pupillage period?**
After you have secured the said Order above and after the lapse of three months from the date the said Order was given, you are entitled to argue all matters, including contested matters within your limited rights of audience. However, many firms have a policy of not allowing their pupils to represent clients for contested matters.
22. **Can I hold a watching brief in Court?**
Yes, a pupil can hold a watching brief in any Court in which the pupil has a right of audience.
23. **How do I introduce myself in Court?**
You must identify yourself as a pupil in chambers or “pelatih dalam kamar” and state the name of your pupil master
24. **Can I mention on behalf of Solicitors or pupils or any other person from other firms?**
No, if the opposing counsel is not present, you may, if you wish, undertake to inform your opposing counsel of the outcome of any Court attendance.
25. **Can my pupil master appear and move the Court for an application under section 36(2)(a) & (b) of the Legal Profession Act which is commonly known as the “short call” application?**
Yes.
26. **What do I do at the end of my pupillage period?**
At the end of your nine months, you must secure your master’s signature on a Certificate of Diligence confirming that you have been duly observing your pupillage. You must then prepare the papers for your Admission to the Bar and ascertain from the Attorney General’s Chambers, the Bar Council and the Bar Committee of the State in which you are undergoing your pupillage if they or any one of them have any objections to you being admitted as an Advocate and Solicitor of the High Court of Malaya.

27. **What do I do if my master refuses to sign my Certificate of Diligence?**
You may seek the assistance of the Bar Council. Bar Council Ruling No. 10.02(3) states that a master shall not refuse to issue a Certificate of Diligence unless it is for reasons acceptable to the Bar Council.
28. **Can I change firm and master during my nine months?**
Yes.
29. **Am I required to carry out legal aid work during my pupillage period?**
Yes, the Bar Council requires you to complete a minimum of 14 days of legal aid duty during your pupillage.
30. **When and where do I register for the compulsory 14 days legal aid duty?**
Immediately upon your commencement of pupillage at the Bar Council Legal Aid Centre of the State where you are undergoing your pupillage.
31. **Is it compulsory for me to attend the Selangor Bar Introductory meeting and the Ethics Course organised by the Bar Council during my pupillage period?**
Yes, you must attend both the Ethics Course at the Bar Council and the Bar Introductory meeting at the SBC if you are undergoing your pupillage in Selangor. You will receive notification from the Selangor Bar Committee about the Introductory Meeting / Session. The Bar Council will inform you about the Ethics Course. If you are unable to attend at the appointed time or if you are facing objections from your firm / pupil master, you should contact the Selangor Bar Secretariat in respect of the Introductory Meeting or the Bar Council in respect of the Ethics Course.
32. **Is it compulsory for me to sign up for the E-learning Programme?**
Yes, the E-learning Programme is to help pupils understand the hardcopy manual for the Ethics Course.
33. **What happens if I fail my ethics examination?**
You will not be able to proceed with your Admission to the Bar even if you have completed your nine months' pupillage. It is important for lawyers to be aware of their ethical duties. After you finish attending the ethics lectures, you must sit for a written examination. If you do not pass this examination, you will have to attend the ethics lectures again and re-sit the examination until you have obtained the required pass grade.

34. **Are pupils required to attend professional development seminars during their pupillage period?**

Yes, a resolution passed by the Selangor Bar makes it compulsory for pupils to attend at least 4 professional development/continuing legal education seminars held at the SBC during their pupillage period.

35. **Can I apply for exemption from serving the full nine-month period of pupillage?**

Yes, the Bar Council has the discretion to grant exemption for a period of up to 6 months upon application. If there are special circumstances justifying a shortening of your pupillage, if you have been a pupil or read in the chambers of a legal practitioner in active private practice in the commonwealth of more than 7 years standing or if you have been engaged in active practice as a legal practitioner in any part of the commonwealth for not less than 6 months, you would be well advised to seek some exemption. The Bar Council can only however grant up to six months of exemption.

36. **Can lawyers from the firm where I am serving my pupillage be named as my referees?**

No.

37. **Can I continue to work in my pupil master's office after the end of my pupillage?**

Yes, but you cease to be a pupil and would not have any rights of audience in Court until and unless you have been enrolled as an Advocate and Solicitor of the High Court of Malaya and have obtained a valid practising certificate.

38. **Can a foreigner apply for admission as an Advocate and Solicitor of the High Court of Malaya?**

Generally speaking, no, subject to Sections 3 and 18 of the LPA on *ad hoc* admissions, unless he/she has permanent residence status.

39. **What if I cannot find the answer to my question in this Handbook?**

Check out the Malaysian Bar Website. The answer to your question may be found there. If not, please forward your question by e-mail or contact the respective State Bar Committee Secretariat where you are undergoing, your pupillage master or the Bar Council Secretariat. It is an added advantage if you treat your pupillage as you would any legal matter and carry out your own research to obtain the best answer that will satisfy your needs. Or call on your Sub-Committee chairperson for Pupil's Affairs for the term in question.

40. **Can I attend the Annual General Meeting of the Bar Council and/or the Annual General Meeting of State Bars?**

Yes. While you may attend as an observer, you are not eligible to vote.

8 GUIDELINES FOR ADMISSION TO THE BAR SPEECH AND SAMPLE

The speech during your Admission to the Bar should be a brief introduction of you to the Court. In the first paragraph, the Mover should introduce himself as appearing for you, the names of the representatives of the Attorney General's Chambers, the Bar Council and the State Bar Committee.

In the main body of the speech, the Mover should apprise the Court of your academic background including the institution where you graduated from, any post-degree qualifications for example, Masters in law, the Bar Vocational Course or the Certificate in Legal Practice. The Mover may also mention your outstanding achievements during your tertiary studies. The firm where you underwent pupillage and the name of your pupil master should also be mentioned.

In the penultimate paragraph of the speech, the Mover may thank certain people on your behalf. In the concluding paragraph of the speech, the Mover must state that you are a fit and proper person to be admitted and enrolled as an Advocate and Solicitor of the High Court of Malaya, that all your papers are in order, that there are no objections from the three bodies and move the Court to admit and enroll you as an Advocate and Solicitor of the High Court of Malaya.

Sample Speech Admission to the Bar – Bahasa Melayu

Dengan izin Yang Arif,

A, hadir bagi pihak Pempetisyen B. Rakan-rakan bijaksana saya, C mewakili Yang Berbahagia Peguam Negara Malaysia, D mewakili Majlis Peguam Malaysia dan E mewakili Jawatankuasa Peguam (namakan Negeri yang berkenaan).

Pempetisyen dianugerahkan dengan Ijazah Sarjana Muda Undang-Undang, Kelas Pertama daripada University of Durham di United Kingdom pada tahun 2006. Pempetisyen selanjutnya telah melanjutkan pelajarannya ke University of Cambridge di United Kingdom dan telah memperolehi Ijazah Sarjana di dalam undang-undang antarabangsa. Semasa di universiti, beliau aktif di dalam bidang perdebatan dan telah menjuarai beberapa pertandingan perdebatan di dalam mahupun di luar negara.

Pada bulan Januari 2009, Pempetisyen telah memulakan latihan dalam kamar di bawah bimbingan Encik M di Tetuan M & Co. dan menyempurnakan latihannya pada bulan September 2009.

Pada hari yang bermakna ini, Pempetisyen ingin mengambil kesempatan ini untuk mengucapkan jutaan terima kasih kepada ibu bapa dan ahli keluarga kerana memberi sokongan moral dan bantuan kewangan yang tidak berbelah-bahagi.

Pempetisyen juga ingin merakamkan penghargaan yang setinggi-tingginya kepada bimbingan yang diberikan oleh Encik M dan semua Peguam dan kakitangan di Tetuan M & Co.

Yang Arif, saya sesungguhnya percaya bahawa segala kertas yang berkenaan adalah teratur dan tiada bantahan terhadap Petisyen ini. Dengan itu, saya dengan rendah diri memohon kepada Mahkamah Yang Mulia ini supaya Pempetisyen diterima masuk dan didaftarkan sebagai Peguam bela dan Peguamcara Mahkamah Yang Mulia ini.

Sample Speech Admission to the Bar – English

Dengan izin Yang Arif,

A, hadir bagi pihak Pempetisyen B. Rakan-rakan bijaksana saya, C mewakili Yang Berbahagia Peguam Negara Malaysia, D mewakili Majlis Peguam Malaysia dan E mewakili Jawatankuasa Peguam (identify the State).

Dengan izin Yang Arif, saya memohon untuk meneruskan prosiding ini di dalam Bahasa Inggeris untuk pemahaman ahli keluarga Pempetisyen.

The Petitioner was awarded a Bachelor of Laws degree or LL.B, First Class Honours from the University of Durham in United Kingdom in 2006. The Petitioner then continued her education at the University of Cambridge in United Kingdom and obtained a Master's degree in international law. Whilst the Petitioner was at university, she was active in the field of debating and emerged victorious in several local and international debating competitions.

In January 2009, the Petitioner commenced her pupillage in the chambers of Encik M at Messrs M & Co. and she completed her pupillage in the month of September 2009. On this special day, the Petitioner would like to take this opportunity to thank her parents and family members for giving her their undivided moral and financial support.

The Petitioner would also like to record her utmost appreciation for the training and instructions given by Encik M and all the lawyers and staff of Messrs. M & Co. My Lord/Lady, I verily believe that all the cause papers are in order and there is no objection to this Petition. Accordingly, I humbly pray that this Honourable Court grants an order that the Petitioner be admitted and enrolled as an Advocate and Solicitor of this Honourable Court.

9 SAMPLE ADMISSION PAPERS FOR THE PUPILS' ASSISTANCE

Petition for Admission and Affidavit verifying Petition

<p>BORANG 1 DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR [BAHAGIAN RAYUAN DAN KUASA-KUASA KHAS]</p>	
Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No.18 -	Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
<p>Kepada: Yang Arif Hakim-Hakim Mahkamah Tinggi Malaya PETISYEN DARIPADA (No. KP:)</p>	
<p>MENYATAKAN:</p>	
<p>1. Pempetisyen telah mencapai umur lapan belas tahun.</p>	
<p>2. Pempetisyen adalah berkelakuan baik dan:</p>	
<p>a. tidak pernah disabitkan di Malaysia atau di mana-mana tempat lain atas apa-apa kesalahan jenayah yang menjadikannya tidak layak menjadi ahli profesion undang-undang, khususnya, tetapi tidak terhad kepada, sesuatu kesalahan berkenaan dengan frod atau kecurangan;</p>	
<p>b. tidak pernah dihukum menjadi bankrap dan tidak pernah didapati bersalah atas apa-apa perbuatan atau ketinggalan yang dinyatakan dalam perenggan (a), (b), (c), (e), (f), (h), (k) atau (l) sabseksyen (6) seksyen 33 Akta Bankrap 1967;</p>	
<p>Akta 55/67</p>	
<p>c. tidak pernah melakukan apa-apa perbuatan lain yang membolehkan ia dipecat atau hilang kelayakan atau digantung daripada menjalankan amalan, jika ia seorang Barrister atau Peguamcara di England; atau tidak pernah, atau tidak boleh kena, dipecat, hilang kelayakan atau digantung atas sifatnya sebagai seorang pengamal undang-undang di mana-mana negara lain.</p>	
<p>3. Pempetisyen adalah seorang warganegara Malaysia/ seorang pemastautin tetap Malaysia.*</p>	

4. Pempetisyen adalah “orang berkelayakan” di bawah Akta Profesion Undang-Undang 1976. Akta 166

.....
.....

(di sini nyatakan butir-butir kelulusan)

5. Pempetisyen sekarang ini menjalani tempoh latihannya dengan Encik/Puan/Cik* dari Tetuan beralamat seorang Peguam bela dan Peguam cara yang menjalankan dan telah menjalankan amalan secara aktif di Malaysia bagi jumlah tempoh tidak kurang daripada tujuh tahun sebelum sahaja tarikh latihannya bermula.

6. Pempetisyen berhasrat agar diterima masuk dan didaftarkan sebagai seorang Peguam bela dan Peguam cara Mahkamah Tinggi Malaya.

7. Pempetisyen memohon agar Mahkamah Yang Mulia berkenan untuk menerima masuk dan mendaftarkan Pempetisyen sebagai Peguam bela dan Peguam cara dan Pempetisyen akan sentiasa bermohon, dsb.

Bertarikh haribulan 20.....

.....

Pempetisyen

*Potong mana yang tidak berkenaan

Petition for Admission and Affidavit verifying Petition – cont.

Kepada:

1. Yang Berbahagia Peguam Negara, Malaysia
2. Setiausaha, Majlis Peguam
3. Setiausaha, Jawatankuasa Peguam

AFIDAVIT

Saya
Pempetisyen yang bernama di atas, berikrar dan menyatakan bahawa kandungan
Petisyen terdahulu adalah benar.

DIIKRAR di Di hadapan saya,
pada haribulan 20.....
Pesuruhjaya Sumpah

Alamat penyampaian Pempetisyen adalah di
.....
.....
.....

Notice of Petition

**BORANG 2
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR**

Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No.18-	Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
--	---

NOTIS

SILA AMBIL TAHU bahawa saya, beralamat di
.....
.....

pada hari ini telah memfailkan di pejabat Pendaftar Mahkamah Tinggi Malaya di Kuala Lumpur suatu Petisyen kepada Yang Arif Hakim-Hakim Mahkamah Tinggi Malaya memohon agar saya diterima masuk dan didaftarkan sebagai Peguam bela dan Peguam cara Mahkamah Tinggi Malaya.

DAN SILA AMBIL TAHU SELANJUTNYA Bahawa saya akan, selepas berakhirnya sembilan (9) bulan dari tarikh notis ini atau selepas berakhirnya tempoh yang lebih singkat sebagaimana Mahkamah arahkan, memohon agar saya diterima masuk dan didaftarkan sebagai Peguam bela dan Peguam cara Mahkamah Tinggi Malaya sewajarnya.

Bertarikh haribulan 20

.....
Pempetisyen

Alamat bagi penyampaian Pempetisyen adalah di Tetuan

Kepada:

Penolong Kanan Pendaftar, Pejabat Pendaftaran Mahkamah Tinggi, Mahkamah-Mahkamah Undang-Undang, Kuala Lumpur
Penolong Kanan Pendaftar, Mahkamah Tinggi, Shah Alam.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Kangar.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Alor Setar.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Pulau Pinang.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Ipoh.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Taiping.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Seremban.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Melaka.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Johor Bahru.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Muar.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Kuantan.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Temerloh.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Kuala Terengganu.
Penolong Kanan Pendaftar, Mahkamah Tinggi, Kota Bharu.

Yang Berbahagia Peguam Negara, Malaysia.
Setiausaha, Majlis Peguam, Negeri-Negeri Tanah Melayu.
Setiausaha Jawatankuasa Peguam

Sample Affidavit of Service of Borang 1 and Borang 2

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen untuk Penerimaan Masuk	Dalam Perkara
Peguam bela dan Peguam cara	beralamat di
No.18-
	Dan
	Dalam Perkara Seksyen 10 dan 15
	Akta Profesion
	Undang-Undang 1976 (Akta 166)

NOTIS

SILA AMBIL TAHU bahawa saya, beralamat di

Your name

PEMPETISYEN

AFIDAVIT PENYAMPAIAN

Saya, **[your name]** (No. K/P:) yang cukup umur dan seorang warganegara Malaysia yang beralamat di **[your residential address]** dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:

1. Saya adalah Pempetisyen Dalam Kamar di Tetuan **[your firm's name]**.
2. Saya telah menyampaikan sesalinan Petisyen Penerimaan Masuk Peguam bela & Peguam cara dan Notis, Borang 1 bertarikh dan Borang 2 bertarikh bersama-sama dengan Affidavit **[your name]** yang diikrarkan pada di Pejabat-pejabat berikut:
 3. Pegawai-pegawai bertugas di Pejabat-pejabat tersebut di atas telah mengesahkan penerimaan dokumen tersebut dengan menandatangani dan meletakkan cop pejabat masing-masing atas salinan dokumen tersebut disertakan bersama dan ditandakan sebagai Ekshibit 'A'.
 - a. Pejabat Peguam Negara Malaysia di **[AG's Chambers' address]** pada jam
 - b. Pejabat Majlis Peguam Malaysia di **[Malaysian Bar Council's address]** pada jam
 - c. Pejabat Jawatankuasa Peguam **[relevant State]** di **[relevant State Bar Committee's address]** pada jam

DIKRARKAN oleh **[your name]** Di) Di hadapan saya,
pada)
)
)
Pesuruhjaya Sumpah

Afidavit Penyampaian ini difailkan oleh **[your firm's name, address and telephone number]**

Sample Statutory Declaration if there is a difference in name

BORANG AKUAN

Saya, **[your name] (No. KP)** yang beralamat di **[your residential address]** dengan sesungguhnya dan sebenarnya mengaku bahawa:

Nama **[name on your certificate]** yang tertera di Sijil **[your certificate's name]** adalah merujuk kepada saya, iaitu **[your name as on your birth certificate/IC]** dan saya membuat akuan ini dengan kepercayaan bahawa apa-apa yang tersebut di dalamnya adalah benar, serta menurut Akta Akaun Berkanun, 1960.

Diperbuat dan dengan sebenar-benarnya)
diakui oleh yang tersebut nama di atas iaitu)
[your name])
di Kuala Lumpur)
pada)

Di hadapan saya,

Pesuruhjaya Sumpah

Summons in Chambers for 'short call'

BORANG 3
 DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
 (BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
 PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Dalam Perkara di Mahkamah Tinggi di
 Petisyen
 untuk Penerimaan Masuk Peguam bela
 dan Peguam cara No:

Dalam Perkara

 Dan
 Dalam Perkara Seksyen 36(2)(a) &
 (b) Akta Profesion
 Undang-Undang 1976

.....

PEMOHON

SAMAN DALAM KAMAR

BENARKAN SEMUA PIHAK yang berkenaan hadir di hadapan Tuan Hakim dalam Kamar pada haribulan..... pada pukul pagi/ petang untuk mendengarkan permohonan bagi pihak Pemohon di bawah Seksyen 36 (2) (a) & (b) Akta Profesion Undang-Undang 1976, untuk suatu perintah bahawa yang sedang menjalani tempoh latihannya di kamar Pemohon dibenarkan hadir bagi pihak Pemohon atau Tetuan

(a) dalam tempoh tiga (3) bulan dari tarikh Perintah ini:

(i) di hadapan Hakim atau Pendaftar Mahkamah Tinggi di dalam kamar;
 (ii) di hadapan Hakim Mahkamah Sesyen atau Majistret di dalam kamar;
 (iii) di hadapan Pendaftar Mahkamah-Mahkamah Rendah;
 bagi sebutan kes yang termasuk memasukkan penghakiman ingkar atau untuk memohon jaminan atau untuk mendapat penghakiman atau perintah persetujuan;
 dan

(b) pada akhir jangkamasa selama tiga (3) bulan tersebut di dalam kamar di Mahkamah Tinggi dan di Mahkamah Rendah dan di hadapan mana-mana Majistret untuk mengendalikan sebarang kausa atau perkara.

Bertarikh haribulan 20

.....
 Timbalan Pendaftar
 Mahkamah Tinggi

Saman Dalam Kamar ini telah difailkan oleh Tetuan
..... Saman Dalam Kamar ini di sokong oleh Affidavit-Affidavit
.....
dan kedua-duanya yang telah
diikrarkan pada dan difailkan di sini.

Kepada:

1. Yang Berbahagia Peguam Negara, Malaysia
2. Setiausaha, Majlis Peguam
3. Setiausaha, Jawatankuasa Peguam

Pupils Master's Affidavit for 'Short Call'

BORANG 4
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Dalam Perkara di Mahkamah Tinggi di
..... Petisyen
untuk Penerimaan Masuk Peguam bela
dan Peguam cara No:

Dalam Perkara
.....
.....

Dan
Dalam Perkara Seksyen 36(2)(a) &
(b) Akta Profesion
Undang-Undang 1976

PEMOHON

AFIDAVIT

Saya, yang cukup umur dan beralamat di
.....
..... dengan ini
sesungguhnya berikrar dan menyatakan seperti berikut:

1. Saya adalah seorang Peguam bela dan Peguam cara Mahkamah Tinggi Malaya.
2. Saya adalah Peguam bela dan Peguam cara pengamal Mahkamah Tinggi Malaya dan sedang menjalankan dan telah menjalankan amalan secara aktif dalam Malaysia bagi jumlah tempoh tidak kurang daripada (7) tahun sebelum sahaja tarikh latihan bermula.
3. tersebut adalah seorang berkelayakan di bawah Akta Profesion Undang-Undang, 1976 dan sejak menjalani latihan guaman dan menerima arahan dan petunjuk dalam undang-undang di firma saya, Tetuan

4. tersebut telah memfailkan Petisyen di Mahkamah Yang Mulia ini pada memohon supaya diterima masuk dan didaftarkan sebagai Peguam bela dan Peguam cara Mahkamah Tinggi di Malaya.
5. Saya berhasrat, sementara menanti pendengaran Petisyen tersebut, boleh dibenarkan mewakili saya dan firma saya, Tetuan di Mahkamah sepertimana yang diperuntukkan di bawah Seksyen 36 (2) (a) & (b) Akta Profesion Undang-Undang, 1976.
6. Saya dengan hormatnya meminta Mahkamah Yang Mulia untuk Perintah seperti yang dipohon.

DIKRARDI
pada haribulan 20

Di hadapan saya,

.....
Pesuruhjaya Sumpah

Afidavit ini difailkan oleh

Pupils Master's Affidavit for 'Short Call'

BORANG 5
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Dalam Perkara di Mahkamah Tinggi di
..... Petisyen
untuk Penerimaan Masuk Peguam bela
dan Peguam cara No:

Dalam Perkara
.....
.....

Dan
Dalam Perkara Seksyen 36(2)(a) &
(b) Akta Profesion
Undang-Undang 1976

.....

PEMOHON

AFIDAVIT

Saya, yang cukup umur dan beralamat di
.....
..... dengan
ini sesungguhnya berikrar dan menyatakan seperti berikut:

1. Saya telah dari dan terus pada masa ini menjalani latihan guaman dan menerima arahan dan petunjuk dalam undang-undang daripada Encik/Puan/Cik, Peguam bela dan Peguam cara beralamat di
.....
2. Saya telah pada haribulan memfailkan Petisyen dalam Mahkamah yang Mulia mengharapkan diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara di Mahkamah Tinggi Malaya.
3. Saya ingin hadir dan mewakili Encik/Puan/Cik dari Tetuan, sepertimana yang dipohon melalui Saman Dalam Kamar di bawah Seksyen 36 (2) (a) & (b) Akta Profesion Undang-Undang, 1976.
4. Saya dengan hormatnya meminta Mahkamah Yang Mulia untuk Perintah seperti yang dipohon.

DIKRAR DI
pada haribulan 20.....

Di hadapan saya,

.....
Pesuruhjaya Sumpah

Afidavit ini difailkan oleh

Sample Affidavit of Service of Borang 3, Borang 4 and Borang 5

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Dalam Perkara di Mahkamah Tinggi di Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No:	Dalam Perkara Dan Dalam Perkara Seksyen 36(2)(a) & (b) Akta Profesion Undang-Undang 1976
--	--

Your master's name

PEMOHON

AFIDAVIT PENYAMPAIAN

Saya, **[your name]** (No. K/P:) seorang warganegara Malaysia yang cukup umur dan beralamat di **[your residential address]** dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:

1. Saya adalah seorang pelatih dalam kamar di **[your firm]** yang beralamat di **[your firm's address]**.
2. bahawa saya telah menyampaikan satu salinan Saman dalam Kamar bertarikh dan Affidavit **[your master's name]** yang diikrarkan pada serta Affidavit **[your name]** yang diikrarkan pada (selepas ini dirujuk secara kolektif sebagai “dokumen-dokumen tersebut”) dengan cara penyampaian kepada badan-badan yang berkenaan pada tarikh-tarikh yang dinyatakan di bawah:
 - a) bahawa saya pada, pukul telah menyampaikan sesalinan dokumen-dokumen tersebut kepada seorang kerani/pegawai di Pejabat Majlis Peguam Malaysia yang beralamat di **[Malaysian Bar Council's address]**, yang telah menerima bagi pihak Majlis Peguam dan mengakui penerimaannya di atas salinan dokumen-dokumen tersebut;
 - b) bahawa saya pada, pukul telah menyampaikan sesalinan dokumen-dokumen tersebut kepada seorang kerani/pegawai di Pejabat Jawatankuasa Peguam **[relevant State]** yang beralamat di **[relevant State Bar Committee's address]**, yang telah menerima bagi pihak Jawatankuasa Peguam dan mengakui penerimaannya di atas salinan dokumen-dokumen tersebut; dan

- c) bahawa saya pada pukul telah menyampaikan sesalinan dokumen-dokumen tersebut kepada seorang kerani/pegawai di Pejabat Yang Berbahagia Peguam Negara Malaysia, yang beralamat di **[AG's Chambers' address]** yang telah menerima bagi pihak Yang Berbahagia Peguam Negara Malaysia dan mengakui penerimaannya di atas salinan dokumen-dokumen tersebut.
3. Satu salinan dokumen-dokumen tersebut yang diserahkan dan diakui penerimaannya oleh ketiga-tiga pihak tersebut berserta dengan Cop Rasmi penerimaan masing-masing dilampirkan di sini dan ditandakan secara kolektif sebagai Ekshibit "A".

Berkenaan dengan Petisyen untuk Penerimaan) Di hadapan saya,
Masuk Peguam bela dan Peguam cara)
No. **insert petition no**)
Berkenaan dengan Afidavit oleh Deponen bernama)
[your name])
Diikrarkan pada hb 20)
Di Kuala Lumpur, Jam pagi/petang) Pesuruhjaya Sumpah

Afidavit ini difailkan oleh

Draft Order for 'Short Call'

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Dalam Perkara di Mahkamah Tinggi di) Dalam Perkara
..... Petisyen)
untuk Penerimaan Masuk Peguam bela)
dan Peguam cara No:)

Dan
Dalam Perkara Seksyen 36(2)(a) &
(b) Akta Profesion
Undang-Undang 1976

Your master's name

PEMOHON

DI HADAPAN YANG ARIF HAKIM
MAHKAMAH TINGGI
[Judge's name]
PADA **[date]**

DALAM KAMAR

PERINTAH

ATAS PERMOHONAN Pemohon yang telah didengar pada hari ini **DAN SETELAH MEMBACA** Saman Dalam Kamar bertarikh pada, Afidavit-Afidavit [your master's name] dan [your name] kedua-duanya diikrarkan pada, dan surat-surat tiada bantahan daripada Majlis Peguam Malaysia dan Jawatankuasa Peguam [relevant State] **DAN SETELAH MENDENGAR** [your Mover's name], Peguam bagi pihak Pemohon **ADALAH DIPERINTAHKAN** bahawa [your name] yang sedang menjalani latihannya dalam kamar Pemohon dibenarkan hadir bagi pihak Pemohon atau Tetuan [your firm's name] yang beralamat di [your firm's address]:

(a) dalam tempoh tiga (3) bulan dari tarikh Perintah ini:

- (i) di hadapan Hakim atau Pendaftar Mahkamah Tinggi, di dalam Kamar;
- (ii) di hadapan Hakim Mahkamah Sesyen atau Majistret, di dalam Kamar;
- (iii) di hadapan Pendaftar Mahkamah-Mahkamah Rendah;

bagi sebutan kes yang termasuk memasukkan penghakiman ingkar atau untuk memohon jaminan atau untuk mendapat penghakiman atau perintah persetujuan; dan

(b) pada akhir jangkamasa selama tiga (3) bulan tersebut di dalam kamar di Mahkamah Tinggi dan di Mahkamah Rendah dan di hadapan mana-mana Majistret untuk mengendalikan sebarang kausa atau perkara.

Bertarikh haribulan

Untuk Kelulusan Tuan,

.....
Penolong Kanan Pendaftar
Mahkamah Tinggi

Tetuan [your firm's name]

.....

Perintah ini difailkan oleh [your firm's name, address and telephone number]

Sample of Notice of Change of Master

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR

PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen untuk Penerimaan Masuk Dalam Perkara
Peguam bela dan Peguam cara beralamat di
No.

Dan

Dalam Perkara Seksyen 10 dan
15 Akta Profesion
Undang-Undang 1976 (Akta 166)

NOTIS PENUKARAN PENGAJAR

AMBIL PERHATIAN bahawa **[your new master's name]** adalah Pengajar baru bagi Pempetisyen, **[your name]** dalam Petisyen ini mulai hb 20, menggantikan **[your former master's name]**. Alamat penyampaian bagi **[new master's name]** yang dinamakan diatas ialah **[your new master's firm name and address]**.

Bertarikh hb 20

.....
Pempetisyen

Kepada:

1. Yang Berbahagia Peguam Negara Malaysia
2. Setiausaha Kehormat, Majlis Peguam Malaysia
3. Setiausaha Kehormat, Jawatankuasa Peguam **[relevant State(s)]**

Notis Penukaran Pengajar ini difailkan oleh **[your firm's name, address and telephone number]**.

Certificate of Good Character

BORANG 7 DI MAHKAMAH TINGGI MALAYA DI	
Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No.	Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
PEMPETISYEN	
SIJIL KELAKUAN BAIK	
Ini adalah untuk mengesahkan bahawa saya telah mengenali selama lebih daripada lima tahun.	
Saya berpendapat dia adalah seorang yang berkelakuan baik dan seorang yang layak dan sepatutnya diterima masuk dan didaftarkan sebagai seorang Peguam bela dan Peguam cara Mahkamah Tinggi Malaya.	
Bertarikh haribulan 20.....	
Nama	
Pekerjaan	
Alamat	
.....	
.....	
..... Tandatangan	

Certificate of Diligence

BORANG 8 DI MAHKAMAH TINGGI MALAYA DI	
Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No.	Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
.....	PEMPETISYEN
SIJIL KERAJINAN	
Saya dari Tetuan yang beralamat	
dengan ini mengesahkan seperti berikut:	
1. Saya adalah Peguam bela dan Peguam cara pengamal Mahkamah Tinggi Malaya dan sedang menjalankan dan telah menjalankan amalan secara aktif dalam Malaysia bagi jumlah tempoh tidak kurang daripada (7) tahun sebelum sahaja tarikh latihan bermula	
2. (kemudian daripada ini dipanggil "Pempetisyen") saya kenali secara peribadi dan telah selama tempoh dari haribulan 20..... hingga haribulan 20..... menjalani tempoh latihan yang ditetapkan.	
3. Pempetisyen telah menerima pengajaran dan mendapat pengalaman dalam undang-undang dan telah menjalani secara memuaskan Program Syarahan Etika yang dikelolakan oleh Majlis Peguam pada haribulan 20.....	
4. Pempetisyen rajin dalam kerja.	
Bertarikh haribulan 20.....	
..... Tandatangan	

Affidavit exhibiting supporting documents for Admission to the Bar

BORANG 6
DIMAHKAMAH TINGGI MALAYA DI

Petisyen untuk Penerimaan Masuk Dalam Perkara
 Peguam bela dan Peguam cara beralamat di

No.

Dan

Dalam Perkara Seksyen 10 dan
 15 Akta Profesion
 Undang-Undang 1976 (Akta 166)

PEMPETISYEN

AFIDAVIT

Saya yang cukup umur dan tinggal di
 dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:

1. Saya adalah Pempetisyen dalam Petisyen ini.
2. Saya telah mencapai umur lapan belas tahun. Salinan Sijil Beranak saya dilampirkan di sini dan bertanda "A".
3. Saya adalah seorang warganegara Malaysia. Salinan Kad Pengenalan saya dilampirkan di sini dan bertanda "B".
4. Saya adalah orang berkelayakan di bawah Akta Profesion Undang-Undang 1976 (Akta 166). Salinan sebenar keterangan dokumentari yang menunjukkan saya orang berkelayakan dilampirkan di sini dan bertanda "C".
5. Sijil Kelakuan Baik daripada

 dilampirkan di sini dan masing-masingnya bertanda "D" dan "E".
6. Saya telah, bagi tempoh bermula dari haribulan 20..... hingga haribulan 20..... dengan rajinnya belajar dalam Kamar Encik/Puan/Cik* dari Tetuan seorang Peguam bela dan Peguam cara Mahkamah Tinggi Malaya yang menjalankan dan telah menjalankan amalan secara aktif dalam Malaysia bagi jumlah tempoh tidak kurang daripada tujuh (7) tahun sebelum sahaja tarikh latihan saya bermula. Sijil Kerajinan dari Pengajar saya dilampirkan di sini dan bertanda "F"
7. Saya telah lulus Peperiksaan Kelayakan Bahasa Malaysia. Salinan Sijil yang ditandatangani oleh Setiausaha Lembaga Kelayakan dilampirkan di sini dan bertanda "G".
8. Saya telah dikecualikan daripada Peperiksaan Kelayakan Bahasa Malaysia oleh Lembaga Kelayakan. Salinan Sijil Pengecualian yang ditandatangani oleh Setiausaha Lembaga Kelayakan dilampirkan di sini dan bertanda "G".

9. Saya telah memfailkan Petisyen di Mahkamah Tinggi Malaya di Kuala Lumpur memohon diterima masuk dan didaftarkan sebagai Peguam bela dan Peguam cara Mahkamah Tinggi di Malaya. Notis-notis yang memberitahu bahawa saya telah mempetisyen sedemikian telah ditampalkan pada semua Mahkamah Tinggi untuk selama sekurang-kurangnya tiga (3) bulan dari tarikh penampalan terakhir. Salinan Sijil Penampalan Terakhir dilampirkan disini dan bertanda "H".

DIKRAR oleh yang bernama di atas di
..... pada haribulan
..... 20
pukul pagi/petang

Di hadapan saya
.....
Pesuruhjaya Sumpah

Sample of Sijil Pengesahan Dokumen

DI MAHKAMAH TINGGI MALAYA DI

PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.

Petisyen untuk Penerimaan Masuk
Peguam bela dan Peguam cara
No.

Dalam Perkara
beralamat di
.....

Dan

Dalam Perkara Seksyen 10 dan
15 Akta Profesion
Undang-Undang 1976 (Akta 166)

Your name

PEMPETISYEN

SIJIL PENGESAHAN DOKUMEN

Saya dengan ini **MENGESAHKAN** bahawa saya telah dengan sendiri memeriksa dan membandingkan salinan-salinan dokumen yang dikepilkan kepada Afidavit Sokongan Petisyen dengan salinan-salinannya yang asal dan mendapati dokumen-dokumen yang tersebut di atas adalah salinan-salinan yang asal.

Bertarikh haribulan 20

.....
Penolong Kanan Pendaftar
Mahkamah Tinggi
.....

Sijil Pengesahan Dokumen ini telah difailkan oleh **[your firm's name, address and telephone number]**

Sample of Notis Perbicaraan

DI MAHKAMAH TINGGI MALAYA DI

PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No.	Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
--	---

Your name PEMPETISYEN

NOTIS PERBICARAAN

SILA AMBIL NOTIS bahawa Petisyen yang disebutkan di atas telah ditetapkan untuk perbicaraan di hadapan
 Yang Arif Hakim di Mahkamah Tinggi Malaya di
 pada
 haribulan jam pagi/petang.

Bertarikh haribulan 20.....

.....
 Penolong Kanan Pendaftar
 Mahkamah Tinggi Malaya

Kepada:
 (1) Yang Berbahagia, Peguam Negara Malaysia
 (2) Setiausaha Kehormat, Majlis Peguam Malaysia
 (3) Setiausaha Kehormat, Jawatankuasa Peguam

Notis Perbicaraan ini telah difailkan oleh **[your firm's name, address and telephone number]**

Sample Draft Order for Admission to the Bar

DI MAHKAMAH TINGGI MALAYA DI	
PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.	
Petisyen untuk Penerimaan Masuk Peguam bela dan Peguam cara No.	Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
Your name	PEMPETISYEN
DI HADAPAN YANG ARIF HAKIM MAHKAMAH TINGGI [insert Judge's name] PADA [insert date]	
DI MAHKAMAH TERBUKA	
<u>PERINTAH</u>	
PETISYEN INI telah didengar pada hari ini dengan kehadiran [your Mover's name] bagi Pempetisyen; Peguam Persekutuan bagi YB Peguam Negara Malaysia, bagi Majlis Peguam Malaysia dan bagi Jawatankuasa Peguam DAN SETELAH MEMBACA Petisyen Pempetisyen bertarikh, Affidavit Pempetisyen yang diikrarkan pada, laporan yang dibuat menurut Seksyen 14(1) Akta Profesion Undang-Undang 1976 dan Sijil Pengesahan Dokumen bertarikh DAN SETELAH MENDENGAR Peguam bagi Pempetisyen dan semua pihak berkenaan tiada bantahan, ADALAH DIPERINTAHKAN bahawa [your name] diterima masuk dan didaftarkan sebagai seorang Peguam bela dan Peguam cara Mahkamah Tinggi Malaya.	
Bertarikh	haribulan
Untuk Kelulusan Tuan, Tetuan [your firm's name] Penolong Kanan Pendaftar Mahkamah Tinggi Malaya
Perintah ini difailkan oleh [your firm's name, address and telephone number]	

10 RELEVANT EXTRACTS FROM THE LEGAL PROFESSION**PART 1*****Preliminary*****Section 1. Short title and commencement**

1. This Act may be cited as the Legal Profession Act, 1976 and shall come into operation on such date or dates as the Minister may, by notification in the Gazette, appoint.
2. The Minister may appoint different dates for the coming into operation of the different parts or provisions of this Act and different dates may be appointed for the coming into operation of this Act in West Malaysia, Sabah and Sarawak.*

****The Act came into force in West Malaysia on 1 June 1977 vide PU (B) 327/77 but has not been extended to Sabah and Sarawak.***

Section 2. Application

This Act shall apply throughout Malaysia but shall only be made applicable to Sabah and Sarawak with such modifications as the Yang di-Pertuan Agong may by order make; and such Order shall be published in the Gazette.

Section 3. Interpretation

In this Act unless the context otherwise requires:

“Advocate and Solicitor”, and “Solicitor” where the context requires means an Advocate and Solicitor of the High Court admitted and enrolled under this Act or under any written law prior to the coming into operation of this Act;

“articled clerk” has the meaning assigned to it in Section 20;

“Bahasa Malaysia Qualifying Examination” means an examination conducted by the Board or other persons appointed by the Board for that purpose;

“Bar Council” and “Council” mean the central council of the Malaysian Bar established under Section 47;

“Bar Committee” means a Bar Committee elected under Section 70;

“the Board” means the Legal Profession Qualifying Board established under Section 4;

Note: With effect from 24.6.1994, all references to the Supreme Court shall be construed as references to the Federal Court and all references to the Lord President of the Supreme Court shall be construed as references to the Chief Justice of the Federal Court. [Authority: Act A885]

“client” includes,

- a. in relation to contentious business, any person who as a principal or on behalf of another person retains or employs, an Advocate and Solicitor, and any person who is or may be liable to pay a Solicitor’s costs;
- b. in relation to non-contentious business, any person, who as a principal or on behalf of another, or as a trustee, executor or administrator, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, an Advocate and Solicitor, and any person for the time being liable to pay an Advocate and Solicitor for his service and costs;

“Compensation Fund” and “the Fund” mean the fund maintained and administered in accordance with Section 80;

“contentious business” means business done by an Advocate and Solicitor, in or for the purpose of proceedings begun before a Court of justice, tribunal, board, commission, council, statutory body or an arbitrator;

“costs” includes fees, charges, disbursements, expenses and remuneration;
“Court” means the High Court or a Judge thereof when sitting in open Court, and

“Judge” means a Judge of the High Court sitting in Chambers;

“Faculty of Law” means the Faculty of Law of a University established under the Universities and University Colleges Act 1971 [Act 30], the Faculty of Law of the Universiti Teknologi MARA established under the Universiti Teknologi MARA Act 1976 [Act 173] and the Kuliyyah of Law of the International Islamic University of Malaysia established pursuant to the Companies Act 1965 [Act 125]; “Disciplinary Committee” – (Deleted by Act A812: s. 2).

“Faculty” – (Deleted by Act A812: s. 2).

*“Inquiry Committee” – (Deleted by Act A812: s. 2).

“legal officer ” means a qualified person in the judicial and legal service;
“Malaysian Bar ” and “Bar ” mean the body corporate established under Section 41;

“Minister” means the Minister responsible for law;

“the Ordinance” means the Advocates and Solicitors Ordinance, 1947 [M.U.4 of 1947];

“pleader” means a pleader entitled to practise at the date of coming into operation of this Act;

“practising certificate” means a certificate issued by the Registrar under Section 29;

“qualified person” means any person who:

- a. has passed the final examination leading to the degree of Bachelor of Laws of the University of Malaya, the University of Malaya in Singapore, the University of Singapore or the National University of Singapore;
- b. is a Barrister-at-law of England; or
- c. is in possession of such other qualification as may by notification in the Gazette** be declared by the Board to be sufficient to make a person a qualified person for the purposes of this Act;

“Register of Practitioners” means the annual register kept by the Registrar under Section 31;

“Registrar” means the Registrar of the High Court and includes a Deputy Registrar, Senior Assistant Registrar and an Assistant Registrar;

“Roll” means the Roll of Advocates and Solicitors of the High Court kept by the Registrar under Section 28;

“Rules Committee” means the Rules Committee constituted under any written law and empowered to make rules regulating the procedure in the High Court;

“Sijil Annual” means the certificate issued by the Council under Section 32;

“Solicitors Costs Committee” means the Solicitors Costs Committee constituted under Section 113.

*** Reference to these definitions shall be construed as reference to “Disciplinary Board” – Act A812**

****P. U. (B) 633/1981, P. U. (B) 737/1981, P. U. (B) 341/1982, P. U. (B) 521/1983, P. U. (B) 123/1984, P. U. (B) 22/1992.**

PART II

Legal Profession Qualifying Board

Section 4. Legal Profession Qualifying Board

There is established a body to be called the Legal Profession Qualifying Board.

Section 5. Functions of Board

The Board shall have the following functions:

- a. to prescribe the qualifications required for the entry of any person into articles with a view to his admission as an Advocate and Solicitor;
- b. to provide courses of instruction for, and to regulate the training and instruction of articled clerks;
- c. to provide for the examination of articled clerks wishing to become qualified persons;
- d. to decide on the qualifications, if any, other than those set out in paragraphs (a) and (b) of the definition of “qualified person” in Section 3, which may entitle a person to become a qualified person for the purposes of this Act;
- e. to provide courses of instruction for, and for the examination of, persons whose qualifications are not sufficient to make them qualified persons for the purposes of this Act except after undergoing the courses and passing the examination;
- f. to provide for the management and conduct of the Bahasa Malaysia Qualifying Examination.

Section 6. General power of Board and power to make rules

1. In addition to any other powers conferred by this Act the Board may make rules and do all things which are necessary and incidental in order to carry out into effect the objects of this Part and the functions of the Board.
2. Without prejudice to the generality of subsection (1) but subject to this Part, the Board may in particular make rules:
 - a. for regulating the meetings and proceedings of the Board;
 - b. for the taking and retaining of articled clerks by principals and for the conduct, duties and responsibilities of the parties;

- c. for regulating the manner in which articled clerks serve their period of articleship;
- d. specifying the subjects in which articled clerks are required to be proficient in;
- e. for the examination from time to time of articled clerks;
- f. for the exemption of articled clerks from courses of instruction or from examination;
- g. for the appointment of lecturers and examiners and for the payment of fees to them;
- h. for the management and conduct of, and the exemption of certain categories of qualified persons and articled clerks from, the Bahasa Malaysia Qualifying Examination;
- i. for prescribing the forms to be used and the fees to be paid under this Part 3. (Deleted by Act A567: s. 4).

*** 1. *Legal Profession (Articled Clerks) Rules 1979, page 133.***

2. *Bahasa Malaysia Qualifying Examination (Qualified Persons) Fees Rules 1984, page 145.*

Section 7. Membership of Board

The Board shall consist of:

- a. the Attorney General who shall be the Chairman;
- b. two Judges nominated by the Lord President;
- c. the Chairman of the Bar Council; and
- d. a full-time member of the academic staff of a Faculty of Law nominated by the Minister of Higher Education.

Section 8. Election of acting Chairman

1. The Chairman shall preside at meetings of the Board; and in the absence of the Chairman of the members of the Board present at the meeting shall elect an acting Chairman who shall have and exercise all the powers of the Chairman.
2. The Chief Registrar shall be the Secretary of the Board.

3. The Board shall appoint such officers as it considers necessary and shall have power to pay remuneration to its employees.

Section 9. Meetings of Board and quorum

1. The Board shall meet at such times and such places as the Chairman may appoint.
2. The Board shall have power to fix a quorum for its meetings.
3. Each member of the Board shall have one vote and where there is an equality of votes, the Chairman of the meeting shall have a casting vote.

Qualified Persons

Section 10. Admission of Advocates and Solicitors

The High Court may at its discretion and subject to this Act admit as an Advocate and Solicitor of the High Court:

- a. any qualified person; and
- b. any articled clerk who has complied with Section 25: Provided that no person who is a qualified person by reason of his having passed the final examination for the degree or other qualification which makes him a qualified person under paragraph(a), (b) or (c) of the definition of “qualified person” in Section 3 shall be admitted as an Advocate and Solicitor before the degree or other qualification has been conferred upon him.

Section 11. Qualifications for admission

1. Subject to Section 14, a qualified person may be admitted as an Advocate and Solicitor if he:
 - a. has attained the age of eighteen years;
 - b. is of good character and
 - i. has not been convicted in Malaysia or elsewhere of a criminal offence as would render him unfit to be a member of his profession, and in particular, but not limited to, an offence involving fraud or dishonesty;
 - ii. has not been adjudicated bankrupt and has not been found guilty of any of the acts or omissions mentioned in paragraph (a), (b), (c), (d), (e), (f), (h), (k) or (l) of subsection (6) of Section 33 of the Bankruptcy Act 1967 [Act 360];

- iii. has not done any other act which, if being a Barrister or Solicitor in England, would render him liable to be disbarred, disqualified or suspended from practice; or
 - iv. has not been, or is not liable to be, disbarred, disqualified or suspended in his capacity as a legal practitioner in any other country;
 - c. is either a Federal citizen or a permanent resident of Malaysia;
 - d. has satisfactorily served in Malaysia the prescribed period of pupillage for qualified persons.
2. As from the 1st January, 1984, no qualified person shall be admitted as an Advocate and Solicitor unless, in addition to satisfying the requirements of subsection (1), he has passed or is exempted from the Bahasa Malaysia Qualifying Examination.

Section 12. Period of pupillage of qualified person

1. For the purposes of this Part, a qualified person shall during his period of pupillage be known as a "pupil", and a person with whom a pupil serves his period of pupillage or any part thereof shall be known as a "master".
2. A qualified person shall, before he is admitted as an Advocate and Solicitor, serve a period of pupillage and, subject to this section and Section 13, the prescribed period of pupillage shall be nine months.
3. No qualified person shall, without the special leave in writing of the Bar Council, hold any office or engage in any employment of any kind, whether full-time or otherwise, during his period of pupillage, but nothing in this subsection shall preclude a pupil from receiving remuneration from his master.

Section 13. Exemption from period and qualification for pupillage

1. Subject to subsection (4) a pupil shall serve his period of pupillage with an Advocate and Solicitor who is and has been in active practice in Malaysia for a total period of not less than seven years immediately preceding the date of commencement of his pupillage: Provided that the Bar Council may on special grounds allow a pupil to serve his period of pupillage with an Advocate and Solicitor of less than seven years' standing.
2. The Bar Council may allow a qualified person to serve different parts of his period of pupillage with different masters.

3. The Bar Council may, in its sole discretion, exempt a qualified person from any period up to six months' pupillage upon application made to it supported by satisfactory evidence that:
 - a. there are special circumstances justifying a shortening of the period of pupillage; or
 - b. the applicant has for a period of not less than six months been a pupil or read in the chambers of a legal practitioner in active private practice, in the Commonwealth, of more than seven years' standing; or
 - c. the applicant is an articled clerk in Malaysia; or
 - d. the applicant has been engaged in active practice as a legal practitioner by whatever name called in any part of the Commonwealth for a period of not less than six months.
4. A qualified person who has served in the Judicial and Legal Service at least one year shall be exempted from serving any period of pupillage provided his application for admission as an Advocate and Solicitor is supported by a certificate from the Attorney General to the effect that he is a fit and proper person to be admitted as an Advocate and Solicitor.
5. The Bar Council may, in its sole discretion, upon an application made to it supported by satisfactory evidence in writing given by the Attorney General, exempt a qualified person who has served in the Judicial and Legal Service for at least three years from any period up to a maximum of six months' pupillage.

Section 14. Filing of admission petition and enquiries, etc

1. Upon any petition for admission and enrolment as an Advocate and Solicitor being filed, the Bar Council shall make or cause to be made full inquiries in the character of the petitioner and upon such petition being set down for hearing, to^{*} forward to the Chief Justice a confidential report of the result of such inquiries.

**The word "to" should be omitted.*

2. All the State Bar Committees (if more than one) in the States in which a person applying to be admitted pursuant to Section 15 has served his pupillage, shall upon the person's petition being set down for hearing make or cause to be made full inquiries into the character of the petitioner and the confidential report of the result of the inquiries shall be forwarded to the Chief Justice with such comments upon it as the Bar Council may consider necessary.

3. If any of the reports referred to in subsection (1) or subsection (2) is unfavourable to the petitioner the Chief Justice may, if he thinks fit, direct such report to be filed in Court and a copy thereof to be served on the petitioner and, subject to such directions as the Court may give, such report shall be taken into consideration on the hearing of the petition.
4. All reports and communications under this section shall be absolutely privileged.

Section 15. Petition for admission with affidavit

1. This section shall apply to every person who proposes to apply to be admitted and enrolled as an Advocate and Solicitor.
2. An application for admission under this section shall be by a petition to the Court and verified by affidavit.
3. Every petitioner shall, not less than fourteen days before his petition is to be heard or such shorter period as the Court may allow, file an affidavit exhibiting:
 - a. where applicable, true copies of any documentary evidence showing that he is a qualified person;
 - b. two recent certificates as to his good character;
 - c. a certificate of diligence from his master with whom he served his pupillage in cases where he is required to serve a period of pupillage, or in the absence of such certificate any other evidence as the Court may require showing that he has served such pupillage with diligence;
 - d. where applicable, a certificate signed by the Secretary of the Board that the petitioner has attended the courses of instruction and passed the examinations, if any, required in his case under this Act;
 - e. where applicable, a certificate from his principal that he has satisfactorily served the appropriate period as an articled clerk;
 - f. true copies of any documentary evidence showing that he is either a Federal citizen or a permanent resident of Malaysia; and
 - g. true copies of any documentary evidence that he has passed or is exempted from the Bahasa Malaysia Qualifying Examination.
4. The petition, notice, affidavit and certificates referred to in this section shall be in the forms prescribed by the Board.

5. The petitioner shall file his petition at the Registrar's Office at the Central Registry accompanied by notices intimating that he has so petitioned; such notices shall be posted and continue to be posted at all the High Courts for three months before the petitioner is admitted and enrolled as an Advocate and Solicitor.

Section 16. Filing of petition and objection

1. A copy each of the petition and the affidavit required to be filed under Section 15 together with the true copies of each document exhibited pursuant to that section shall, within seven days of the filing thereof in the Registrar's Office, and not less than ten days or such shorter period as the Court may allow before the date fixed for hearing the petition, be served on the Attorney General, the Bar Council and the State Bar Committee of the State in which the pupil has served any part of his period of pupillage.
2. If the Attorney General, the Bar Council or any State Bar Committee intends to object to any petition, there shall be served on the petitioner and filed in the Registrar's Office, not less than three clear days or any shorter period as the Court may allow before the date fixed for hearing the petition, a notice of objection which shall set out in brief terms the grounds of objection.
3. On a notice of objection being filed the petition shall be fixed for hearing within one month or as soon as may be before a Judge of the High Court.
4. The Attorney General, the Bar Council or the State Bar Committee need not be represented at the hearing of any petition unless the Attorney General, the Bar Council or the State Bar Committee, as the case may be, intends to object to that petition; but no order shall be made upon any petition unless the Court is satisfied that the petition, affidavit and true copies of each document have been duly served as required by subsection (1).

Section 17. Entering of caveat against admission

1. Any person may enter a caveat against the admission of any petitioner and upon such caveat being entered no application for the admission of the petitioner shall be heard unless a notice of hearing of not less than 3 clear days has been served on the person entering the caveat.
2. Every caveat under this section shall be entered in the Registrar's Office and shall contain the full name, occupation and address of the caveator, a brief statement of the grounds of his objection and an address for service.

3. If at any time after the admission and enrolment of any petitioner as an Advocate and Solicitor, it is shown to the satisfaction of the Court that any petition, affidavit, certificate or other document filed by a petitioner contains any statement which is false or misleading in substance or a suppression of any material fact the name of the petitioner may be removed from the Roll.
4. Where an Advocate and Solicitor has been removed from the Roll pursuant to subsection (3), the Registrar shall upon any further petition for admission made by the same person bring this fact to the notice of the Court and the Court shall, in the absence of special circumstances, refuse to grant such further petition.

Section 18. Admission in special cases

1. Notwithstanding anything contained in this Act, the Court may, for the purpose of anyone case and subject to the following subsections, admit to practise as an Advocate and Solicitor any person who, if he was a citizen of, or a permanent resident in, Malaysia, would be eligible to be admitted as an Advocate and Solicitor of the High Court and no person shall be admitted to practise as an Advocate and Solicitor under this sub section unless:
 - a. for the purpose of that particular case he has, in the opinion of the Court, special qualifications or experience of a nature not available amongst Advocates and Solicitors in Malaysia; and
 - b. he has been instructed by an Advocate and Solicitor in Malaysia.
2. Any person applying to be admitted under this section shall do so by originating motion verified by his own affidavit, or that of the Advocate and Solicitor instructing him, stating the names of the parties and the brief particulars of the cause or matter in which the applicant intends to appear, and exhibiting in the affidavit the consent of the applicant to appear in the cause or matter; the originating motion and affidavit or affidavits shall be served on the Attorney General, the Secretary of the Bar Council and of the State Bar Committee in the State where such cause or matter is to be heard and the other party or parties to the cause or matter; at the time of such service the applicant shall pay one hundred ringgit each to the Secretary of the Bar Council and of the State Bar Committee to cover their costs incurred in the application.
3. Before admitting a person under this section the Court shall have regard to the views of each of the persons served with the application.

4. The Registrar shall, on payment of the prescribed fee, issue to every person admitted under this section a certificate to practice* specifying in it the causes or matters in which he is permitted to appear; and any person to whom a certificate to practise has been issued under this subsection shall for the purpose of his employment in such causes or matters be deemed to be a person to whom a certificate to practise has been issued under Section 29.
5. The Registrar shall not enter upon the Roll but shall keep a separate roll for the names of persons admitted under this section.
6. In this section the words “cause or matter” include any interlocutory or appeal proceedings connected with any cause or matter.

**This word should be read as “practise”.*

Section 19. Right of appeal by objectors

The petitioner under Section 15 and the applicant under Section 18 and any one or more of the following namely – the Attorney General, the Board, the Secretary of the Bar Council or the Secretary of any State Bar Committee objecting to any petition or to the making of any order on an originating motion pursuant to Section 18 shall have a right of appeal to the Supreme Court:

Provided that a Judge who have* made the order appealed from shall not be a member of the Federal Court.

**This word should be read as “has”.*

Reviews

Section 26. Appeal from the decision of Board to Judge

1. Any person dissatisfied with any decision of the Board may apply to a Judge for a review of the decision.
2. If the Board fails to determine any request within six weeks after it has been first submitted to it, the applicant may apply under this section as if the request had been determined adversely to him.
3. Every application under this section shall be made by summons in chambers on the petition of the appellant if he has filed a petition, otherwise by originating summons; the Judge hearing the application may in his discretion adjourn the application into open Court.

4. Every summons in chambers or originating summons, as the case may be, shall be supported by evidence on affidavit and shall be served together with the affidavit on the Board, such summons in chambers or originating summons shall not be heard before the expiry of twelve days after the date of service on the Board.
5. At or before the hearing of the application the Board may submit to the Judge a confidential report on the applicant; such report shall not be filed in Court but a copy thereof shall be furnished to the applicant.
6. A confidential report under this section shall be privileged.
7. At the hearing the Judge may dismiss the application or make any order under this Act as he considers fair and reasonable.
8. A Judge who is a member of the Board shall not hear any application under this section.

Hearing of Petitions and the Roll

Section 27. Hearing by Judge, a member of Board

A Judge who is a member of the Board shall not hear any petition for admission.

Section 28. Roll of Advocates and Solicitors

1. The Registrar shall keep a Roll of Advocates and Solicitors with the dates of their respective admission.
2. The name, with the date of admission, of every person admitted shall be entered upon the Roll in the order of admission.
3. Every person admitted as an Advocate and Solicitor shall pay the prescribed fee and the Registrar shall deliver to him an instrument of admission signed by the Chief Justice or the Judge who admitted the petitioner.
4. This section shall not apply to persons admitted under Section 18.
5. The Roll shall be open to inspection without payment by any person during office hours.

PART IIA

Special Provisions Relating to Admissions of Advocates and Solicitors

Section 28A. Attorney General's power to issue Special Admission Certificates

1. The Attorney General may issue a special certificate for admission as an Advocate and Solicitor of the High Court (hereinafter referred to as a "Special Admission Certificate") to any person who, in his opinion, satisfies the following requirements:
 - a.
 - i. is a qualified person; or
 - ii. is not a qualified person, but is in possession of a qualification which renders him eligible to practise as a Barrister, or as a Solicitor, or as an Advocate and Solicitor, or otherwise as a legal practitioner by whatever name called, or to be employed in a legal or judicial capacity in the service of any government, in any country, or in a part or division of any country, or in any territory or place, outside Malaysia; and
 - b. has been practising as a Barrister, or as a Solicitor, or as an Advocate and Solicitor, or otherwise as a legal practitioner by whatever name called, or has been employed in a legal or judicial capacity by any government or by any authority, organisation or body, constituted under any law, or has been sometimes so practising or sometimes so employed, wholly or partly within Malaysia or wholly or partly outside Malaysia, for a period of, or for periods which amount in the aggregate to, not less than seven years.
2. Where the Attorney General issues a Special Admission Certificate he shall specify therein the period for which the person issued with such Certificate shall be admitted as an Advocate and Solicitor.
3. A Special Admission Certificate shall be conclusive evidence that the requirements of paragraphs (a) and (b) of subsection (1) have been satisfied, and the validity of such Certificate shall not be reviewed or called in question in any court.
4. In subsection (1):

"government" includes:

 - i. the Government of Malaysia
 - ii. the Government of any State in Malaysia; and

iii. the government of any country, or of a part or division of any country, or of any territory or place, outside Malaysia; and

“law” includes:

- i. written law as defined in Section 3 of the Interpretation Act 1967; and
- ii. the law of any country, or of a part or division of any country, or of any territory or place, outside Malaysia.

Section 28B. Admission and enrolment as an Advocate and Solicitor of a person issued with a Special Admission Certificate

1. A person issued with a Special Admission Certificate may apply by *ex-parte* originating summons to a Judge of the High Court in Chambers to be admitted as an Advocate and Solicitor of the High Court.
2. A Judge hearing an application under subsection (1) shall, upon being satisfied as to the genuineness of the Special Admission Certificate and the identity of the applicant, admit the applicant as an Advocate and Solicitor of the High Court for the period specified in the Certificate; and a person so admitted as an Advocate and Solicitor shall be enrolled and given an instrument of admission under Section 28.
3. The admission and enrolment of a person as an Advocate and Solicitor under subsection (2) shall not be reviewed or called in question in any court. An Advocate and Solicitor admitted under subsection (2) shall be entitled to renew his admission from time to time upon presenting to the Registrar within a period of two months before the expiry of the period of admission or renewed admission, as the case may be, a Certificate of Renewal issued by the Attorney General at the discretion of the Attorney General.
4. Provided that, with the leave of the Attorney General in writing, the Certificate of Renewal may be presented to the Registrar at any time after the expiry of the period of admission or renewed admission, as the case may be.
5. A Certificate of Renewal issued under subsection (4) shall be for renewal of the admission or the renewed admission, as the case may be, for such period as may be specified in such Certificate, and the renewal under subsection (4) shall accordingly be for the period so specified.
6. The validity of a Certificate of Renewal issued under subsection (4) shall not be reviewed or called in question in any court.

7. The provisions of Sections 10 to 19, both inclusive, shall not apply to the admission of a person as an Advocate and Solicitor under this Part, or to the renewal of the admission or the renewal admission, as the case may be, of such Advocate and Solicitor.

Section 28C. Provisions as to Sijil Annual not to apply to an Advocate and Solicitor admitted under this Part

The provisions of Sections 32 and 33, or any other provision of this Act relating to a Sijil Annual, shall not apply to an Advocate and Solicitor admitted under this Part.

Section 28D. Power of Attorney General to make orders

The Attorney General may, by order published in the Gazette, make such provision as he may deem necessary or expedient for giving effect to the provisions of this Part or carrying out its purposes, and without prejudice to the generality of the foregoing, an order made under this section may provide for:

- a. any supplemental, incidental or consequential matters in relation to this Part;
- b. the removal of any difficulty or anomaly whatsoever in any provision of this Act or in any other written law, or otherwise, that may be occasioned by any provision or provisions in this Part.

Section 28E. Provisions of this Part to prevail

The provisions of this Part or of any order made under this Part shall have effect notwithstanding anything to the contrary or inconsistent therewith contained in any provision of this Act other than this Part, or in any other written law, and the provisions of this Act (other than this Part) or of any other written law shall be read:

- a. *mutatis mutandis* with the provisions of this Part and of any order made under this Part; and
- b. with all such modifications, adaptations, alterations or changes whatsoever as maybe necessary to have the same to accord with the provisions of this Part and of any order made under this Part.

The provisions reproduced herein have been taken from the material posted on the Malaysian Bar's website.

11 LEGAL PROFESSION [PRACTICE AND ETIQUETTE RULES] 1978**Arrangement of Rules**

1. Citation
2. Obligation of Advocate and Solicitor to give advice on or accept any brief
3. Advocate and Solicitor not to accept brief if embarrassed
4. No Advocate and Solicitor to accept brief if professional conduct likely to be impugned
5. No Advocate and Solicitor to accept brief if difficult to maintain professional independence
6. An Advocate and Solicitor not to accept brief if unable to appear
7. No Advocate and Solicitor to accept remuneration in capacity as Member of Parliament etc. except emoluments as Member of Parliament etc.
8. Advocate and Solicitor not to ask for excuse from assignment
9. Advocate and Solicitor to undertake defence fairly and honourably
10. Advocate and Solicitor to conduct prosecution so that no innocent person is convicted
11. Fees for litigious or contentious matters
12. Advocate and Solicitor not to conduct civil case intended to delay proceedings etc.
13. Advocate and Solicitor to guard against insulting or annoying questions
14. Questions irrelevant to actual inquiry not to be asked
15. Respect to Court
16. Advocate and Solicitor to uphold interest of client, justice and dignity of profession
17. No deception on Court
18. Advocate and Solicitor to conduct with candour, courtesy and fairness.
19. Advocate and Solicitor not to refer to facts not proved
20. Advocate and Solicitor to put before Court any relevant binding decision
21. Improper to misquote
22. Advocate and Solicitor to bring to Court's attention any proposition of law etc.
23. Advocate and Solicitor to supply to Court all information
24. Advocate and Solicitor to be ready for the day fixed for trial
25. Advocate and Solicitor to disclose all circumstances to client
26. Advocate and Solicitor not to mislead

27. Advocate and Solicitor not to appear where pecuniarily interested
28. Advocate and Solicitor not to appear in a case where he is a witness
29. Advocate and Solicitor not to testify on behalf of client
30. Advocate and Solicitor appearing as party or witness not to wear robes.
31. Advocate and Solicitor to uphold dignity of profession
32. Client's feeling not to influence conduct of counsel
33. Advocate and Solicitor to treat adverse witnesses with fairness and due consideration
34. Advocate and Solicitor may interview witnesses for opposing side
35. Advocate and Solicitor not to abuse confidence reposed in him by client
36. Advocate and Solicitor to prevent client from wrongful conduct towards courts etc.
37. (Deleted)
38. (Deleted)
39. (Deleted)
40. Advocate and Solicitor not to stand surety
41. Advocate and Solicitor who has advised Arbitrator can not appear in arbitration proceedings
42. Advocate and Solicitor not to communicate with a person represented by another Advocate and Solicitor
43. Advocate and Solicitor not to stir up strife and litigation
44. Advocate and Solicitor not to actively carry on any trade
45. (Deleted)
46. (Deleted)
47. (Deleted)
48. Advocate and Solicitor not to publish photograph
49. Advocate and Solicitor not to solicit reporting
50. (Deleted)
51. Advocate and Solicitor not to do or cause touting
52. No division of costs or profits with unqualified person
53. Agency commission or profit costs
54. Advocate and Solicitor not to appear for a party represented by another Advocate and Solicitor
55. Advocate and Solicitor lien
56. Judgment by default
57. Extension of time to plead

- 58. Objection to admissibility of insufficiently stamped documents
- 59. No branch office without Advocate and Solicitor
- 60. Use of “consultant” and “associate”
- 60A. Document filed not to be before hearing
- 61. Lay agency
- 62. Waiver
- 63. Revocation

In exercise of the powers conferred by Section 77 of the Legal Profession Act 1976 (Act 166), the Bar Council makes the following rules:

1. Citation

These Rules may be cited as the Legal Profession (Practice and Etiquette) Rules 1978.

2. Obligation of Advocate and Solicitor to give advice on or accept any brief.

An Advocate and Solicitor shall give advice on or accept any brief in the Courts in which he professes to practise at the proper professional fee dependent on the length and difficulty of the case, but special circumstances may justify his refusal, at his discretion, to accept a particular brief.

3. Advocate and Solicitor not to accept brief if embarrassed.

a. An Advocate and Solicitor shall not accept a brief if he is or would be embarrassed.

b. An embarrassment arises:

- i. where the Advocate and Solicitor find she is in possession of confidential information as a result of having previously advised another person in regard to the same matter;
- ii. where there is some personal relationship between him and a party or a witness in the proceedings.

4. No Advocate and Solicitor to accept brief if professional conduct likely to be impugned.

No Advocate and Solicitor shall accept a brief in a case where he knows or has reason to believe that his own professional conduct is likely to be impugned.

5. **No Advocate and Solicitor to accept brief if difficult to maintain professional independence.**
 - a. No Advocate and Solicitor shall accept a brief if such acceptance renders or would render it difficult for him to maintain his professional independence or is incompatible with the best interest of the administration of justice.
 - b.
 - i. An Advocate and Solicitor who has at any time advised or drawn pleading or acted for a party in connection with the institution or prosecution or defence of any suit, appeal or other proceedings shall not act, appear or plead for the opposite party in that suit, appeal or other proceedings.
 - ii. An Advocate and Solicitor shall not act unless the consent of the first party for whom the indent Advocate and Solicitor acted is obtained in writing and the Advocate and Solicitor is not embarrassed by so acting. Legal Profession (Practice and Etiquette Rules) 1978.
6. **An Advocate and Solicitor not to accept brief if unable to appear.**
 - a. An Advocate and Solicitor shall not accept any brief unless she is reasonably certain of being able to appear and represent the client on the required day.
 - b. An Advocate and Solicitor shall not ordinarily withdraw from an engagement once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client.
7. **No Advocate and Solicitor to accept remuneration in capacity as Member of Parliament etc. except emoluments as Member of Parliament etc.**
 - a. An Advocate and Solicitor shall not accept any remuneration for that which he does in his capacity as a Member of Parliament or of any State Legislature, other than emoluments received by him as a Member of Parliament or of any State Legislature.
 - b. No Advocate and Solicitor may accept the position of an executive director or executive secretary of a company without the express consent of the Bar Council.
8. **Advocate and Solicitor not to ask for excuse from assignment.**

Subject to any Rules of Court made in this behalf, an Advocate and Solicitor assigned as counsel or Advocate and Solicitor in any civil or criminal matter shall not ask to be excused for any trivial reason and shall always exert his best effort in that assignment.

9. Advocate and Solicitor to undertake defence fairly and honourably.

- a. An Advocate and Solicitor who undertakes the defence of a person in any criminal matter shall by all fair and honourable means present every defence that the law permits.
- b. An Advocate and Solicitor shall undertake the defence of a person accused of an offence regardless of his personal opinion as to the guilt or otherwise of the accused.

10. Advocate and Solicitor to conduct prosecution so that no innocent person is convicted.

- a. An Advocate and Solicitor appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to the conviction of an innocent person.
- b. Material capable of establishing the innocence of the accused shall not be suppressed.

11. Fees for litigious or contentious matters.

In determining the amount of fee for litigious or contentious matters involving representation of a client in Court, it is proper to take into consideration:

- a. the time, labour and skill required;
- b. the novelty and difficulty of the question involved;
- c. whether acceptance of the particular employment will preclude his appearance for others of which he has a reasonable expectation;
- d. the customary charges of the profession for similar services;
- e. the amount in controversy;
- f. the benefit resulting to the client for the services;
- g. the character of the employment – whether casual or for an established client; and
- h. the special position or seniority of the particular Advocate and

Solicitor

12. Advocate and Solicitor not to conduct civil case intended to delay proceedings etc.

An Advocate and Solicitor shall not conduct a civil case or make a defence which is intended merely to delay proceedings or to harass or injure the opposite party or to work oppression or wrong.

13. Advocate and Solicitor to guard against insulting or annoying questions.

An Advocate and Solicitor shall guard against being made the channel for questions which are only intended to insult or annoy, and to exercise his own judgment as to the substance and form of the questions put.

14. Questions irrelevant to actual inquiry not to be asked.

a. Questions which affect credibility by attacking character but are otherwise irrelevant to the actual enquiry shall not be asked unless the cross-examiner has reasonable grounds for thinking that the imputation is well-founded or true.

b. Where a question relates to matters so remote in time or of such a character that it would not materially affect the credibility of a witness, it shall not be put.

15. Respect to Court.

An Advocate and Solicitor shall maintain a respectful attitude towards the Court.

16. Advocate and Solicitor to uphold interest of client, justice and dignity of profession.

An Advocate and Solicitor shall while acting with all due courtesy to the tribunal before which he is appearing, fearlessly uphold the interest of his client, the interest of justice and dignity of the profession without regard to any unpleasant consequences either to himself or to any other person.

17. No deception on Court.

An Advocate and Solicitor shall not practice any deception on the Court.

18. Advocate and Solicitor to conduct with candour, courtesy and fairness.

The conduct of an Advocate and Solicitor before the Court and in relation to other Advocates and Solicitors shall be characterised by candour, courtesy and fairness.

19. Advocate and Solicitor not to refer to facts not proved.

In opening a case, an Advocate and Solicitor shall not refer to any facts in the case which he is not in a position to prove.

20. Advocate and Solicitor to put before Court any relevant binding decision.

- a. An Advocate and Solicitor shall put before the Court any relevant, binding decision of which he is aware which is immediately in point, whether it is for or against his contention.
- b. This rule applies with particular importance in *ex-parte* proceedings.

21. Improper to misquote.

It is improper for an Advocate and Solicitor:

- a. knowingly to misquote the contents of a paper, the testimony of a witness, the argument of opposing counsel or the language of a decision or textbook; or
- b. with knowledge of its invalidity, to cite as authority a decision that has been overruled or a statute that has been repealed; or
- c. in argument, to assert as a fact that which has not been proved; or
- d. to mislead his opponent by concealing or withholding in his opening speech positions upon which he intends to rely.

22. Advocate and Solicitor to bring to Court's attention any proposition of law etc.

- a. Where after the conclusion of the evidence and argument and while judgment is reserved, an Advocate and Solicitor discovers a proposition of law or a decision of law which is directly in point, he shall bring it to the Court's attention and the Advocate and Solicitor appearing on the other side shall concur in the proposal even though the proposition is against him.
- b. Where the other Advocate and Solicitor does not concur, it is still in order for the first-named Advocate and Solicitor to submit the additional authority and the proper course is for the first-named Advocate and Solicitor to send the other Advocate and Solicitor a copy of his letter to the Court, so that the other Advocate and Solicitor can comment on it if necessary.

23. Advocate and Solicitor to supply to Court all information.

An Advocate and Solicitor shall supply to the Court all information as to the probable length of a case and the possibility of a settlement.

24. Advocate and Solicitor to be ready for the day fixed for trial.

- a. An Advocate and Solicitor shall make every effort to be ready for trial on the day fixed.
- b. An Advocate and Solicitor may apply for postponement of a case fixed for hearing for good and cogent reasons only.
- c. Except in an emergency, it is improper for an Advocate and Solicitor to apply for a postponement in the absence of counsel for the other side unless he has given the counsel concerned at least forty eight hours notice of his intention to make the application.

25. Advocate and Solicitor to disclose all circumstances to client.

An Advocate and Solicitor at the time of his being retained shall disclose to the client all the circumstances of his relation to the parties, and any interest in connection with the controversy, which may influence the client in the selection of counsel.

26. Advocate and Solicitor not to mislead.

An Advocate and Solicitors shall avoid everything which may tend to mislead a party not represented by counsel.

27. Advocate and Solicitor not to appear where pecuniarily interested.

- a. An Advocate and Solicitor shall not appear in any matter in which he is directly pecuniarily interested.
- b. This rule does not apply to the case of an Advocate and Solicitor appearing himself to tax his own costs.

28. Advocate and Solicitor not to appear in a case where he is a witness.

- a. An Advocate and Solicitor shall not appear in Court or in Chambers in any case in which he has reason to believe that he will be a witness in respect of a material and disputed question of fact, and if while appearing in a case it becomes apparent that he will be such a witness, he shall not continue to appear if he can retire without jeopardising his client's interests.

- b. An Advocate and Solicitor shall not appear before an appellate tribunal if in the case under appeal he has been a witness on a material and disputed question of fact in the Court below.
- c. These rule does not prevent an Advocate and Solicitor from swearing or affirming an affidavit as to formal or undisputed facts in matters in which he acts or appears.

29. Advocate and Solicitor not to testify on behalf of client.

Except when essential to the ends of justice or as to merely formal matters, an Advocate and Solicitor appearing in any cause shall not testify in Court on behalf of his client only in that cause.

30. Advocate and Solicitor appearing as party or witness not to wear robes.

- a. An Advocate and Solicitor who appears in person as a party or who is in the witness box shall not wear robes.
- b. An Advocate and Solicitor appearing before Courts Martial may appear either in uniform (if he is entitled to do so) or in robes.
- c. Except on such ceremonial occasions and at such places as the Bar Council or the Court may prescribe, an Advocate and Solicitor shall not wear bands or robes in public place other than in Court or whilst travelling to or from Court.

31. Advocate and Solicitor to uphold dignity of profession.

Every Advocate and Solicitor shall at all times uphold the dignity and high standing of his profession.

32. Client's feeling not to influence conduct of counsel.

The feeling existing between clients shall not be allowed to influence counsel in their conduct and demeanour towards each other or towards parties and their witnesses in the case.

33. Advocate and Solicitor to treat adverse witnesses with fairness and due consideration.

An Advocate and Solicitor shall treat adverse witnesses and parties with fairness and due consideration and he shall not minister to the malevolence or prejudices of a client in the conduct of a case.

34. Advocate and Solicitor may interview witnesses for opposing side.

An Advocate and Solicitor may properly interview any witness or prospective witness for the opposing side in any civil or criminal matter without the consent of but subject to first giving notice to the opposing counsel or party. In doing so, he shall scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth.

35. Advocate and Solicitor not to abuse confidence reposed in him by client.

a. An Advocate and Solicitor shall refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by the client.

b. An Advocate and Solicitor shall preserve his client's confidence and this duty outlasts his employment.

36. Advocate and Solicitor to prevent client from wrongful conduct towards Courts etc.

An Advocate and Solicitor shall use his best efforts to prevent his client from doing things which the Advocate and Solicitor himself ought not to do, particularly with reference to his conduct towards Court and judicial officers, jurors, witnesses and parties. Where a client persists in such wrong doing the Advocate and Solicitor shall terminate the relationship.

37. [Deleted]

[Deleted by P.U.(A) 345/2001]

38. [Deleted]

[Deleted by P.U.(A) 345/2001]

39. [Deleted]

[Deleted by P.U.(A) 345/2001]

40. Advocate and Solicitor not to stand surety.

An Advocate and Solicitor shall not stand as a surety or bailor for his client required for the purpose of any legal proceedings.

41. Advocate and Solicitor who has advised Arbitrator cannot appear in arbitration proceedings.

An Advocate and Solicitor who has in an arbitration acted for the Arbitrator in advising him on points of law shall not advise or appear for one of the parties in any proceedings relating to the arbitration or award.

42. Advocate and Solicitor not to communicate with a person represented by another Advocate and Solicitor.

An Advocate and Solicitor shall not communicate with a person upon any matter in respect of which to his knowledge that person is represented by another Advocate and Solicitor except with the other's express consent.

43. Advocate and Solicitor not to stir up strife and litigation.

No Advocate and Solicitor shall volunteer advice to bring an action or to stir up strife and litigation.

44. Advocate and Solicitor not to actively carry on any trade.

a. An Advocate and Solicitor shall not actively carry on any trade which is declared by the Bar Council from time to time as unsuitable for an Advocate and Solicitor to engage in or be an active partner or a salaried officer in connection therewith.

b. An Advocate and Solicitor shall not be a fulltime salaried employee of any person, firm (other than Advocate and Solicitor or firm of Advocates and Solicitors) or corporation so long as he continues to practise and shall on taking up any such employment, intimate the fact to the Bar Council and take steps to cease to practise as an Advocate and Solicitor so long as he continues in such employment.

45. [Deleted]

[Deleted by P.U.(A) 345/2001]

46. [Deleted]

[Deleted by P.U.(A) 345/2001]

47. [Deleted]

[Deleted by P.U.(A) 345/2001]

48. Advocate and Solicitor not to publish photograph.

An Advocate and Solicitor shall not take steps to procure the publication of his photograph as a member of the Bar in the press or any periodical.

*[*This rule prohibiting a member from the publication of his photographs in the Press or any periodicals has been waived by the Bar Council with the approval of the Attorney General pursuant to Rule 62 with effect from 1 June 2003.]*

49. Advocate and Solicitor not to solicit reporting.

It is contrary to etiquette for an Advocate and Solicitor to solicit the reporting of any matter in which he has been professionally engaged, but he may consider and revise reports of cases in which he has been professionally engaged so as to ensure the correctness of the Report.

50. [Deleted]

[Deleted by P.U.(A) 345/2001]

51. Advocate and Solicitor not to do or cause touting.

An Advocate and Solicitor shall not do or cause or allow to be done, anything for the purpose of touting directly or indirectly, or which is calculated to suggest that it is done for that purpose.

52. No division of costs or profits with unqualified person.

It is unprofessional and improper conduct:

- a. for an Advocate and Solicitor to divide or agree to divide either costs received or the profits of his business with any unqualified person;
- b. for an Advocate and Solicitor to pay, give, agree to pay or agree to give any commission, gratuity or valuable consideration to any unqualified person to procure or influence or for having procured or influenced any legal business and whether such payment, gift or agreement be made under pretext of services rendered or otherwise, but this rule does not prohibit the payment of ordinary bonuses to staff;
- c. for an Advocate and Solicitor to accept or agree to accept less than the scale fees laid down by law in respect of non-contentious business carried out by him except for some special reason where no charge at all is made.

53. Agency commission or profit costs.

Agency commission or profit costs may be allowed between an Advocate and Solicitor practising in Malaysia and his recognised agent or agents practising in Malaysia or elsewhere.

54. Advocate and Solicitor not to appear for a party represented by another Advocate and Solicitor.

Where in any matter or proceeding, the name of any Advocate and Solicitor or the name of his firm appears on the records for any party, or an Advocate and Solicitor is known to be acting for a party in a matter whether in a Court

or not, no other Advocate and Solicitor shall knowingly agree to appear or to act or continue to appear or to act for such party in such matter or proceeding unless:

- a. he obtains the consent of the first-named Advocate and Solicitor; or
- b. he is satisfied that the proper professional remuneration of the first-named Advocate and Solicitor has been paid or he undertakes that the same will be paid; or
- c. he has, in ignorance that such name so appears on the record or that such Advocate and Solicitor has been so acting, already agreed to appear or to act for such party and is unable by reason of circumstances or urgency or the like to refuse to appear or to act further for such party, without exposing himself to a charge of breach of professional duty; or
- d. the first-named Advocate and Solicitor is unwilling or has refused to act further for such party, in which event he shall, if so required, protect any lien which the first named Advocate and Solicitor may have for costs.

55. Advocate and Solicitor's lien.

Except by way of securing his first to a lien, an Advocate and Solicitor shall not otherwise withhold the client's papers to the detriment of the client.

56. Judgment by default.

Where the name of the Advocate and Solicitor or his firm appears on the Court record or the fact of representation is known to the other side, no Advocate and Solicitor representing the other party to the proceedings shall enter Judgment by Default against the client of the first-named Advocate and Solicitor or to take advantage of delay in pleading or filing documents in the nature of pleadings or in taking any necessary steps or in complying with any other in the proceedings by such first-named Advocate and Solicitor, unless he shall have given to such first-named Advocate and Solicitor written notice of his intention to do so, and seven days shall have elapsed after the delivery of such notice to the first-named Advocate and Solicitor.
[Am. P.U.(A) 310/91]

57. Extension of time to plead.

Where an extension of time within which to plead has been given to a party, the Advocate and Solicitor representing such party shall, if so required, accept short notice of trial at the next sitting of the Court, in any case in which, had the pleading been delivered in the time ordinarily limited for its delivery without any extension, the party allowing the extension would have been in a position to have given notice of trial for such sitting.

58. Objection to admissibility of insufficiently stamped documents.

It is contrary to etiquette to object to the admissibility of any document on the ground that it is not or not sufficiently stamped, unless such objection goes to the root of the subject matter or the suit.

59. No branch office without Advocate and Solicitor.

1. No Advocate and Solicitor shall maintain a branch office unless the same is:
 - a. in the name of his firm; and
 - b. continuously manned by the Advocate and Solicitor himself or one of the partners in his firm or by an Advocate and Solicitor wholly employed by him or his firm.
2. The branch office shall not be in the same office as that of any other firm of Advocates and Solicitors.
3. No Advocate and Solicitor shall practise his profession in the States of Malaya in or as a partner of more than one firm at any time without the consent of the Bar Council.
4. No Advocate and Solicitor shall practise his profession unless he maintains an office within the States of Malaya.

60. Use of “consultant” and “associate”.

1. An Advocate and Solicitor may have his name appear as “consultant ” on the letterhead of a firm of Advocates and Solicitors if:
 - a. he has a valid practising certificate issued under Part III of the Act;
 - b. he:
 - i. has been in active practice at the Malaysian Bar for a period of not less than twenty years;
 - ii. has served as a Judge of the Federal Court or Supreme Court, Judge of the Court of Appeal, Judge of the High Court in Malaya, Judge of the High Court in Sabah and Sarawak or High Court in Borneo for a period of not less than twenty years in such capacity or any combination thereof;

- iii. has been in active practice at the Malaysian Bar and, in addition, has served as a Judge of the Federal Court or Supreme Court, Judge of the Court of Appeal, Judge of the High Court in Malaya or Judge of the High Court in Sabah and Sarawak or High Court in Borneo, or any combination thereof, for a period which, aggregated with the period of his active practice at the Malaysian Bar, totals not less than twenty years;
- iv. has been in active practice at the Malaysian Bar for a period of not less than ten years and, in addition has served as President or Chairman of the Industrial Court or a member of the Malaysian Judicial and Legal Service, or any combination thereof, for a period which, aggregated with the period of his active practice at the Malaysian Bar, totals not less than twenty years;
- c. he is not a partner, associate or legal assistant in any other firm of Advocates and Solicitors or engaged in any other capacity in any such other firm in the States of Malaysia.

2. *[Deleted by P.U.(A) 345/2001]*

60A. **Documents filed not to be furnished to the press before hearing.**

An Advocate and Solicitor shall not furnish copies of any document filed in Court, before the hearing of the matter in open Court, to the press and shall not in any event furnish copies of any document other than documents read in Court.

61. **Lay agency.**

An Advocate and Solicitor shall not permit himself to be controlled or exploited by any lay agency intervening between client and himself.

62. **Waiver**

The Bar Council may, in writing, with the approval of the Attorney General in writing, waive any of these Rules.

63. **Revocation.**

The Rules of Practice and Etiquette is revoked.

Made the 2nd October 1978.
Abdullah A. Rahman,
Chairman,
Bar Council, Malaysian Bar

The rules reproduced herein have been taken from the material posted on the Malaysian Bar's website.

12 RELEVANT EXTRACTS FROM BAR COUNCIL RULINGS

Chapter 10

Pupillage

10.01 Pupillage

1. A person must be a qualified person before he commences his pupillage.
2. The spouse, child, sibling or parent of an Advocate and Solicitor may serve his pupillage with such Advocate and Solicitor.
3. Before the expiry of his/her pupillage period, a pupil is required to replace the number of days' leave taken during pupillage.
4. A pupil may have a name card, but the firm name must not appear on the card.

10.02 Master and pupil

1. Save with the prior written approval of the Bar Council, a master may not have more than two pupils at any one time.
2. A Pupil Master shall sign the 'Particulars of Master' form with the requisite undertakings as in Appendix II, and must ensure that he/she has a valid practising certificate throughout the period his/her pupil is chambering with him/her and must notify both the pupil and the Bar Council should he/she cease to be in possession of a valid practising certificate.
3. A master shall not refuse to issue a Certificate of Diligence except for reasons acceptable to the Bar Council.

10.03 Pupil to be under master's supervision

The office or chambers in which a pupil undergoes his period of pupillage must be the main premises at which his master practises. A pupil must be under the supervision of his master.

10.04 Duties and obligations of masters as regards his pupil's call to the Bar

1. It is the master's duty to arrange for an Advocate and Solicitor of more than 7 years' standing to move his pupil's call to the Bar.
2. The master shall make every effort to be present in Court for his pupil's call.

3. Only an Advocate and Solicitor with a valid Practising Certificate and who has at least seven (7) years' standing shall robe a pupil upon admission to the Bar by the Presiding Judge.
4. Any Advocate and Solicitor who robes a pupil on the admission to the Bar shall be in Open Court attire.
5. The master shall ensure that his pupil strictly follows the Open Court attire.

10.05 Right of audience

1. On completion of pupillage, a pupil ceases to be a pupil. Accordingly, whilst he can continue to work with his master, he cannot appear in Court on behalf of his master and cannot hold himself out as a pupil.
2. A pupil who has been granted a privilege of restricted audience under Section 36 of the Legal Profession Act must identify himself as a pupil while exercising such privilege, and any Court Order obtained by such pupil shall describe him as a pupil.
3. A pupil who has been granted a privilege of restricted audience under Section 36 of the Legal Profession Act in one State is not required to apply for the same in another State.
4. A pupil can hold a watching brief in any Court in which he/she has a right of audience.

10.06 Compulsory attendance of pupil at a Legal Aid Centre

Every pupil is required to attend at a Legal Aid Centre for at least 14 days during his period of pupillage.

10.07 Referees

Referees for any pupil / petitioner shall be professionally qualified or of similar good standing.

The rulings reproduced herein have been taken from the material posted on the Malaysian Bar's website.

13 USEFUL CONTACTS AND LINKS

Courts

1. Federal Court of Malaysia
Istana Kehakiman
Presint 3
60506 Putrajaya
Telephone: +603 8880 3500
Facsimile: +603 8888 5464
Website: <http://portal.kehakiman.gov.my>
2. Court of Appeal of Malaysia
Istana Kehakiman
Presint 3
60506 Putrajaya
Telephone: +603 8880 3500
Facsimile: +603 8888 3093
3. Kuala Lumpur High Court
(all divisions) and Kuala Lumpur Sessions Court and Magistrates Court
Kompleks Mahkamah Kuala Lumpur
Jalan Duta
50592 Kuala Lumpur
Telephone: +603 6209 4000
Facsimile: +603 6209 4015
Kuala Lumpur High Court Petition for Admission Unit
Telephone: +603 6209 4476 / 4488
4. Shah Alam High Court
Bangunan Mahkamah Sultan Salahuddin Abdul Aziz Shah
Persiaran Pegawai Seksyen 5
40000 Shah Alam
Selangor Darul Ehsan
Telephone: +603 5510 3543 / 3579 / 5511 / 5090 / 5095
Facsimile: +603 5511 6328
5. Shah Alam High Court (Civil Division) Bangunan MRCB Building
No. 2, Jalan Majlis 14/10
Seksyen 14, 40712 Shah Alam
Selangor Darul Ehsan
Telephone: +603 5511 6202 / 6204 / 6205
Facsimile: +603 5511 3927

6. Petaling Jaya High Court (Criminal Division) Kompleks Mahkamah Petaling Jaya
Lorong Sultan, 46506 Petaling Jaya
Selangor Darul Ehsan
Telephone: +603 7947 6666
Facsimile: +603 7960 2920
7. Shah Alam Sessions and Magistrates Court
Bangunan Mahkamah Sultan Salahuddin Abdul Aziz Shah
Persiaran Pegawai, Seksyen 5
40000 Shah Alam
Selangor Darul Ehsan Telephone: +603 5510 3543
Facsimile: +603 5511 3730
8. Ampang Sessions and Magistrates Court
Aras 1, Majlis Perbandaran Ampang Jaya
Jalan Pandan Utama, Pandan Indah
55100 Ampang
Selangor Darul Ehsan
Telephone: +603 4295 1025 / 1026
Facsimile: +603 4295 0453
9. Petaling Jaya Sessions and Magistrates Court
Kompleks Mahkamah Petaling Jaya
Lorong Sultan, 46506 Petaling Jaya
Selangor Darul Ehsan
Telephone: +603 7947 6666
Facsimile: +603 7960 3384
10. Klang Sessions and Magistrates Court
Jalan Dato' Hamzah
41506 Klang,
Selangor Darul Ehsan
Telephone: +603 3371 9069 / 7367 / 3372 7671
Facsimile: +603 3371 8702
11. Klang Sessions and Magistrates Court (Civil 2) Tingkat 4, Menara A&M
Garden Business Centre
No. 3 Jalan Istana, 41000 Klang
Selangor Darul Ehsan
Telephone: +603 3372 8197
Facsimile: +603 3372 5079

12. Bandar Baru Bangi Sessions and Magistrates Court
Lot 3, Jalan 15/1, Off Jalan Pekeliling
43000 Bandar Baru Bangi
Selangor Darul Ehsan
Telephone: +603 8926 9745 / 746 / 755
Facsimile: +603 8926 9725
13. Selayang Sessions and Magistrates Court
Jalan Pegawai, Km 16, Jalan Ipoh
68100 Batu Caves
Selangor Darul Ehsan
Telephone: +603 6137 8601 / 6905 / 6112
Facsimile: +603 6137 9844
14. Kajang Magistrate's Court
(On the bench at Putrajaya)
Aras 1 & 2, Zon Selatan (Bangunan Annexe)
Istana Kehakiman, Presint 3
62506 Putrajaya
Telephone: +603 8880 4277 / 4282 / 3501
Facsimile: +603 8880 4281
15. Sepang Magistrate's Court
43900 Sepang
Selangor Darul Ehsan
Telephone: +603 3142 1133
Facsimile: +603 3142 1133
16. Kuala Kubu Bharu Magistrate's Court
44000 Kuala Kubu Bharu
Selangor Darul Ehsan
Telephone: +603 6064 1255
Facsimile: +603 6064 5313
17. Sungai Besar Magistrate's Court
Jalan Besar
45300 Sungai Besar
Selangor Darul Ehsan
Telephone: +603 3224 2372
Facsimile: +603 3224 5190

18. Kuala Selangor Magistrate's Court
Jalan Klang
45000 Kuala Selangor
Selangor Darul Ehsan
Telephone: +603 3289 1544 / 4953
Facsimile: +603 3289 1104
19. Telok Datok Magistrate's Court
Jalan Stadium Jugra
42700 Banting
Selangor Darul Ehsan Telephone: +603 3187 1228
Facsimile: +603 3187 4259
20. Pati Klia Sepang Sessions Court
43900 Sepang
Selangor Darul Ehsan Telephone: +603 3142 1133
Facsimile: +603 3142 1133

Miscellaneous

21. Pejabat Tanah dan Galian Wilayah Persekutuan Kuala Lumpur
Tingkat G-4, Rumah Persekutuan
Jalan Sultan Hishamuddin
50678 Kuala Lumpur
Telephone: +603 2610 3300
Facsimile: +603 2610 3499
Email: tanahwila@ptgwp.gov.my
Website: www.ptgwp.gov.my
22. Pejabat Tanah dan Galian Selangor
Tingkat LG, G, 2, 3 dan 4
Bangunan Sultan Salahuddin Abdul Aziz Shah
40578 Shah Alam
Selangor Darul Ehsan
Telephone: +603 5544 7000
Facsimile: +603 5510 2658
Email: tgs@selangor.gov.my
Website: ptg.selangor.gov.my

23. Lembaga Hasil Dalam Negeri
Bahagian Duti Setem
Tingkat 2, Blok 11, Kompleks Bangunan Kerajaan
Jalan Duta, 50758 Kuala Lumpur
Telephone: +603 6209 1000
Facsimile: +603 6203 1934
Website: www.hasil.gov.my

24. Pemungut Duti Setem (Cawangan Selangor) Tingkat 9-13
Plaza Perangsang
Persiaran Perbandaran
40000 Shah Alam
Selangor Darul Ehsan
Telephone: +603 5510 3202 / 0430 / 0431
Facsimile: +603 5510 2328

25. Securities Commission
General Enquiries & Corporate Related Matters
No 3, Persiaran Bukit Kiara
Bukit Kiara
50490 Kuala Lumpur
Telephone: +603 6204 8000 (GL) / 8777
Facsimile: +603 6201 5078
Email: cau@seccom.com.my
Website: www.sc.com.my

26. Bar Council Malaysia
No. 15, Leboh Pasar Besar
50050 Kuala Lumpur
Telephone: +603 2050 2050
Facsimile: +603 2026 1313
Email: council@malaysianbar.org.my
Website: www.malaysianbar.org.my

27. Kuala Lumpur Bar Committee
4th Floor, Wisma Hangsam
No. 1 Jalan Hang Lekir
50000 Kuala Lumpur
Telephone: +603 2032 1440
Facsimile: +603 2032 1090
Email: klbc@klbar.org.my
Website: www.klbar.org.my

28. Attorney General's Chambers of Malaysia
No. 45, Persiaran Perdana
Presint 4, 62100 Putrajaya
Telephone: +603 8872 2000 /8885 5000
Facsimile: +603 8890 5670 /8888 9369
Email: pro@agc.gov.my
Website: www.agc.gov.my
29. Bar Council Legal Aid Centre (Kuala Lumpur)
9th Floor, Wisma Kraftangan
No. 9 Jalan Tun Perak,
50050 Kuala Lumpur
Telephone: +603 2691 3005 / 2693 2072
Facsimile: +603 2693 0527
Email: lacklb@streamyx.com / lacklb@klbar.org.my
30. Bar Council Library
4th Floor, No. 15, Leboh Pasar Besar
50050 Kuala Lumpur
Telephone: +603 2050 2050
Facsimile: +603 2032 4067
Email: drpathma@malaysianbar.org.my
31. Advocates and Solicitors Disciplinary Board
8th Floor, Wisma Maran
28, Medan Pasar
50050 Kuala Lumpur
Telephone: +603 2034 1911
Facsimile: +603 2031 2163
Email: secretariat@asdb.org.my
Website: www.asdb.org.my
32. Legal Profession Qualifying Board Malaysia
27th Floor, Menara Tun Razak
Jalan Raja Laut
50350 Kuala Lumpur
Telephone: +603 2691 0054 / 0080
Facsimile: +603 2691 0142
Email: clp_malaysia@yahoo.com

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