

1. 10TH ANNUAL GENERAL MEETING

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

2. OFFICE BEARERS

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

a) Bar Committee 2002/03

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

b) Representative to the Bar Council for 2002/03

Ambiga Sreenevasan

3. HONORARY SECRETARY

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

4. CO-OPTED MEMBERS

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

5. CASUAL VACANCY IN THE COMMITTEE

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

6. COMMITTEE MEETINGS

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

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

b) Ambiga Sreenevasan, the representative to the Bar Council, was invited to attend the Committee meetings as observer and also to report to the Bar Council on relevant matters as and when pertinent and necessary. She attended a total of 7 meetings.

- c) The Chairperson and the Secretary of the Young Lawyers Committee, Moganambal and Sanjeev Kumar, were invited to attend the Committee meetings as observers. They attended a total of 9 and 11 meetings respectively.

7. FINANCE

The financial position of the Committee remains stable with a sum of RM723,862 in Fixed Deposit.

8. SUBSCRIPTIONS

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

9. NUMBER OF MEMBERS

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

10. SUB-COMMITTEES AND LEGAL AID MANAGEMENT PANEL

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

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

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

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

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

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

12. PRESS STATEMENTS

- 12.1 A Press Statement was issued immediately after the last AGM of the KL Bar in March 2002 expressing the concern raised by members of the KL Bar at the said AGM that the 2nd draft of the Malaysian Academy of Law Bill was approved by the Cabinet without seeking the views and comments of the Malaysian Bar and with the plans for the amendments to the Legal Profession Act 1976 as the proposed amendments has

not been forwarded to the Bar Council for feedback and comments. **Annexure “KLBC-1”**

- 12.2 In May 2002, the Committee issued another Press Statement urging all members of the KL Bar to attend the EGM of the Malaysian Bar on 31.5.2002 called by the Bar Council to discuss the Malaysian Law Academy Bill and to oppose the said Bill which may have serious ramification to the legal profession and the role of the Malaysian Bar in upholding the rule of law. **Annexure “KLBC-2”**
- 12.3 The Committee was appalled by the arrest, detention and subsequent charges levelled against Mr Uthayakumar, a member of the KL Bar, by the Public Prosecutor. A Press Statement was issued on 27.1.2003 expressing our grave concern over the manner of Mr Uthayakumar’s arrest and the subject matter of the charge against him for the alleged offence under section 228 of the Penal Code. We also stated our support of the Bar Council’s position on the matter and reaffirmed the call that all charges against Mr Uthayakumar be withdrawn immediately. **Annexure “KLBC-3”**
- 12.4 The Committee issued a circular dated 19.7.2002 in response to the President of the Malaysian Bar’s comments on the decision of the Federal Court in the Anwar Appeal. **Annexure “KLBC-4”**

13. CONGRATULATORY MESSAGES

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

14. OBITUARIES

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

15. ACKNOWLEDGEMENTS

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

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

KUALA LUMPUR BAR COMMITTEE

REFERENCE PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stanley Sinnappen

ENVIRONMENTAL LAW

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

Objectives for 2002/03

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

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

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

1. Increasing Awareness: Capacity Building and Knowledge Sharing

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

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

2. Building Networks

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

3. Cooperating with Government in Addressing Environmental Problems

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

- The DG noted that lawyers (practitioners and in house legal counsel) could play a much stronger role in ensuring clients' compliance with environmental laws. For example, lawyers could emphasise the existence of environmental laws and liabilities when advising clients particularly in matters involving construction, land, investment, mergers and acquisition and due diligence exercises. Contract lawyers could also incorporate comprehensive environmental clauses in their contracts. *Note: The committee has commenced compiling environmental clauses.*
- DOE officers required further training in collecting evidence and in handling Court cases. DOE has set up a training institute in Bangi and the possibility of having lawyers assist in training DOE officers such as conducting mock Court cases was discussed. *Note: As currently the committee is short of litigators, this issue has been brought before the Bar Council Environmental Law Committee for its consideration.*
- The Environmental Quality Act 1974 (EQA) is undergoing review and the committee's input would be welcomed. *Note: The committee's input was part of the Bar Council Environmental Law Committee's submission of proposed amendments to the EQA to the Environmental Quality Council.*
- DOE's biggest challenge was to educate developers in abiding by DOE guidelines, particularly the Guidelines on Hill Slope Development which are merely guidelines and not legally binding. The committee suggested that it hold a workshop for developers and contractors addressing environmental compliance. *Note: This lead to the Workshop on Sustainable Housing Development.*

4. Workshop on Sustainable Housing Development

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

The workshop generated a profit of RM2,251.81.

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

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

5. Fundraising

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

Teamwork

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

Animah Kosai
Chairperson
Environmental Law Committee

INFORMATION TECHNOLOGY

Chairman: Lim Chee Wee

Advisors: Deepak Pillai
KH Koh
Nicholas Leong
John Chong
Surinta Abraham

Members: Chan Wen Li
Chempaka Emalin Pahamin
Eric Chin
Gary Lim Chin Yee
Haslyna Hashim
Jacqueline Chang
Jason Lee
Sakthi Perumal
Stanley Lim
Tan Eng Choong
Wan Kai Chee
Yvonne Siew

1. Objectives of the IT committee

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

The following projects were undertaken by the committee.

(i) LexisNexis Package

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

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

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

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

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

and books.

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

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

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

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

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

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

(iv) Membership System

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

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

(v) Website

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

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

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

2. Conclusion

The LexisNexis scheme, MAPS and website would be the foundation for increasing the use of IT in the Kuala Lumpur Bar. It is hoped that the IT Workshop and Fair will continue with

greater frequency and attendance, exploring and encouraging the use of IT and new ideas in legal practice.

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

Lim Chee Wee
Chairman
IT Committee

PUBLIC RELATIONS & COURT LIAISON

Chairman: Jerald Gomez

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

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

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

Meeting with Klang Sessions and Magistrates Court on 17.5.2002

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

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

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

Computerisation/Transcription service in Court

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

It was a very basic system. We then organised a demo of a transcript service provided by Wordwave International on 17.7.2002. The Company had done and is still providing this system to the Hong Kong Judiciary. We invited the Registrar who is involved in this project.

The demo was well attended. Although the cost for such a system is high, we recommended the system to the representatives of the Judiciary who were present. Special mention must be made of Lim Chee Wee who joined this committee in 2002 and is also the Chairman of the IT committee for the year 2002/03 . He had put in a lot of time and effort in this regard. There was some overlapping of work between the two committees.

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

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

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

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

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

Meeting with Registrar of Land Titles for Kuala Lumpur on 5.9.2002

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

Meeting with Justice Dato' James Foong on 11.9.2002

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

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

A tea reception at the Royal Selangor Club on 20.9.2002

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

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

This meeting was initiated by the Selangor Bar Committee. 5 members of the PRCL committee attended the meeting as representatives of the KL Bar. Many issues were discussed. A copy of the report prepared by Abdul Rashid Ismail is annexed here as "**KLBC-8**". The Selangor Bar Committee was of the view that if we had any problems with the Courts in Shah Alam we should raise it through them and not directly. This is being considered by the

KLBC and clarification is being sought as to exactly what that means. Most members of your PRCL committee feel that as many members of the KL Bar practise in the Shah Alam and Klang Courts, we should be able to raise any problems faced by our members either directly with the High Court Judges, Sessions Court Judges, Magistrates and Registrars, or jointly with the Selangor Bar Committee. Your PRCL committee is of the view that there should not be any impediment or restriction placed on your representatives to resolve problems directly with the Judges concerned. The Head Judge did indicate that she is willing to meet us independently on problems faced by the KL Bar. We however want a united front before the Judiciary and this must be sorted out between the KLBC and Selangor Bar Committee.

Lunch hosted by the Bench on 22.10.2002

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

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

Rejection of documents by Counter Clerks

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

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

Standardising Case Management procedures

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

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

We sent out a circular to you inviting feedback. We received many comments and complaints. There were various points of views and many said the same thing in many different ways. It had to be condensed into point form to enable us as a committee to discuss and evaluate each one. Teh Yoke Hooi undertook the lengthy and arduous task of going through each and every complaint and suggestion and putting it all down in point form. Some members gave

directly opposite feedback. The PRCL committee met twice on this matter and decided to invite all those who had written in, to a meeting, to enable us to reach a consensus on what we are going to place on record to the Judiciary.

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

Law Books at Wisma Denmark Bar Room launched on 2.1.2003

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

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

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

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

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

Talk on Advocacy on 16.1.2003

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

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

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

Meeting with Justice Dato' James Foong on 30.1.2003

We had a meeting with Justice Dato' James Foong on 30.1.2003 and presented him with our report ("**KLBC-11**") on the re-organisation of the Civil Division of the KL High Courts. It was a lunch hour meeting with the whole KLBC present. We started at 12.30 pm and finished only at

about 2.45 pm. The Learned Judge had a lot to say about our comments. There were areas where we agreed to disagree. However I must add that we understood the difficulties the Judges are facing especially the Managing Judge.

Scheduled meeting with the High Court Judges on 19.2.2003

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

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

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

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

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

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

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

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

Jerald Gomez
Chairman
Public Relations and Court Liaison Committee

PUPILS' WELFARE

Chairperson : Sa'adiah Bt. Din
Members : M Moganambal
Sanjeev Kumar Rasiah

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

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

THE ONGOING PROJECT OF THE COMMITTEE

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

OTHERS

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

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

Sa'adiah Din
Chairperson
Pupils' Welfare Committee

SOCIAL

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

Annual Dinner & Dance

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

Seminars

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

Children's Party

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

Paintball Trip to Bukit Tinggi

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

Blood Donation

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

End of Year Gathering

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

Colin Andrew Pereira
Chairman
Social Committee

SPORTS

Chairman : Oommen Koshy

Members : Dennis Appaduray
Christopher Foo

1. CONVENORS

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

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

2. ANNUAL SERIES

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

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

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

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

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

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

3. KL BAR OPEN COMPETITIONS

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

Champions : Gremio
Runners-up : Zizou FC

4. FRIENDLY MATCHES

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

5. NOTE OF THANKS

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

Oommen Koshy
Chairman
Sports Committee

YOUNG LAWYERS

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

Chairperson : Moganambal Murugappan
Secretary : Sanjeev Kumar Rasiah

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

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

2. OBJECTIVES

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

- 2.1 The proposed activities for 2002/2003 are as follows:-
 - a. To analyse and comment on the proposed amendments to the Criminal Procedure Code;
 - b. To provide an information base and guidance for young members of the KL Bar who wish to establish their own legal practice;
 - c. To promote IT for Court Practice with the aim of simplifying practice for young members;
 - d. To propose changes for Pupillage;
 - e. To organise activities with a view to improving and sustaining good relationship between the Bar and the Bench and improving relationship amongst practitioners and with Court staff;
 - f. To organise continuing legal education for young members and pupils.

3. ACTIVITIES

- 3.1 Edmund Bon and Amer Hamzah prepared a comprehensive study on the proposed amendments to the Criminal Procedure Code which also included comments and suggestions to the preliminary report by the Attorney General as well as providing suggestions on other amendments which were not included in the preliminary report.
- 3.2 The study was then forwarded to the Kuala Lumpur Bar Committee, which then adopted and approved it and forwarded the study to the Bar Council.
- 3.3 Goh Hoon Huar has compiled information and resource materials with a view to providing a database and resource centre for young lawyers who propose

to establish their legal firm. These materials include a comprehensive checklist on regulation compliance, partnership agreements, office administration/management, and internal file management and accounting procedures. It is proposed by the YLC that the database and resource centre be available to members on the KL Bar website once the website is established.

- 3.4 The YLC was assigned by the KLBC to organise the Human Rights Training Workshop. The Chairperson together with Sharmila Sekaran from the Bar Council Human Rights Committee, Sam Palmer the Human Rights Research Assistant from Bar Council and Edmund Bon of the YLC were responsible in the organisation of the workshop, which was held from 13.2.2003 to 16.2.2003 at Guoman Resort, Port Dickson. The 4 day event was aimed for all practitioners who were keen to learn more about specific areas in which human rights violations are a common place in Malaysia, and which focused primarily on practical exercises designed to improve lawyering skills in Human Rights litigation, with a focus both on domestic and international laws. 57 participants comprising of senior practitioners, young lawyers and pupils attended the workshop. 13 speakers from the legal profession and NGO's presented their papers on wide aspects of human rights issues. The YLC expresses its appreciation to the Chairperson, Sharmila Sekaran, Sam Palmer, Colin Andrew Pereira and Lim Siew Ann for their invaluable assistance and support throughout the successful workshop. The YLC also extends its appreciation to Kavitha and Rajan from the secretariat.
- 3.5 The YLC has also proposed to organise a bowling tournament with the Registrars, Sessions Court Judges and Magistrates, which shall be held in February 2003 at the Cosmic Bowl, Mid Valley. This event is to foster better relationship between junior members and the Judicial Officers of the Lower Courts as junior members predominantly practise at the Lower Courts.
- 3.6 The YLC together with the Social Committee of the KL Bar have jointly organised two talks for their continuing legal education project. Colin Pereira from the Social Committee and the Secretary of the YLC were the key persons in organising two successful talks. Mr T Gunaseelan gave the first talk on the topic of "Civil Trial: Practice and Procedure" on 28.9.2002. About 130 members attended the talk. On 16.11.2002, a talk on "Land Law and Loan Documentation Procedures" was given by Mr George Chong held at the Bar Council Auditorium. This talk was also well attended by 142 members. Two more talks are scheduled to be held in February 2003 which are "Company Law: Minority Shareholders' Protection" by Mr Ben Chan on 22.2.2003 and "The Consequences of the Recent Amendments to the Bankruptcy Act" by Mr GK Ganesan on 27.2.2003.
- 3.7 The YLC has also this year under review aimed to create some form of awareness as to the problems faced by chambering pupils. The most common complaints received were the inadequacy of Pupillage allowance. Jeswynn has attempted to create some form of awareness by contributing two articles to the Relevant newsletter published by the KL Bar titled Pupillage: A new Paradigm Part I and II. Part I dealt with allowance for pupils and Part II deals with Pupillage education and training programme.
- 3.8 The Chairperson and the Secretary attended the KL Bar Committee monthly meetings and special meetings as observers on the invitation of the KL Bar Committee. This provided an opportunity for the YLC to raise problems faced by junior lawyers and also for the YLC to partake in the activities of the KL Bar Committee.
- 3.9 The Chairperson and the Secretary also represented the KL Bar YLC to the National Young Lawyers Committee ("NYLC") of the Bar Council and

attended meetings of the NYLC and actively participated in the organisation of the proposed National Young Lawyers Convention which is proposed to be held in April 2003.

- 3.10 The Chairperson and the Secretary also attended the meetings of various other committees on their invitation to obtain the views of the YLC on the activities of the committees. Such meetings were the PRCL committee meeting with members on the implementation of the Fast Track system at the KL High Court and the meeting with Y.A. Dato' James Foong and the IT committee meeting on the approval of the website for the KL Bar, tea reception with the Judges and Magistrates of the Lower Courts held at the Royal Selangor Club, meeting with the Judges and Magistrates of the Lower Courts and the meeting with Y.A. Dato' Vincent Ng as head of the Commercial Division of the KL High Court.

4. CONCLUDING REMARKS

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

5. NOTE OF THANKS

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

Sanjeev Kumar
Secretary
Young Lawyers Committee

RELEVAN

Editor : M Moganambal

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

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

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

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

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

M Moganambal
Editor

LEGAL AID

THE PANEL

Jayaletchumi Rajaretnam (Chairperson)

Stanley Sinnappen (Honorary Secretary)

Ramesh Kumar Kumaraguru (Assistant Honorary Secretary)

R Kesavan

Sivanesan Nadarajah

M Puravalen

Saiful Izham

Sivarasa Rasiah

A Balakisnan

Yasmeen Haji Muhammad Shariff

So Chien Hao

Ngooi Chiu-Ing

B Murugayah

S Muhendaran

Baljit Singh Sidhu

Sa'adiah Din

K Nachammai

N Surendran

M Kamalam

Charles Hector

Mary Song

Sharmini Thiruchelvam

Ramlah Begum Mohamed Ibrahim

Francis Pereira

S Balasubramaniam

R Shanmugam

Noorsuhaida Kasri

1. INTRODUCTION

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

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

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

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

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

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

I would like to take this opportunity to thank all volunteers who have volunteered for the activities of the Centre and the panel members who have made the past year a successful

one. I would also like to the opportunity to thank Dorathy, Jessie, Mani, Chitrah, Elizabeth, Sheena, Siti, Selvi and Lina for their support and dedication to making the work carried out by the Centre a success.

Set out below is the report of the various clinics.

Jayaletchumi Rajaretnam
Chairperson

2. STATISTICS FOR THE PERSONS ASSISTED:

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

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

3. LEGAL AID CENTRE CLINIC

Prepared by Project Head, Ramesh K Kumaraguru

Committee Members

Ramesh K Kumaraguru
 Andrew Teh
 Jayaletchumi Rajaretnam

Ong Chin Siong
 Patrick Lim Siang Hock
 Ramesh Lachamanan

K Nachammai

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

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

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

The breakdown for 191 files opened is as follows:

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

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

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

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

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

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

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

Besides the normal functions of the LACC, on 14 July 2002, the LACC together with People's Progressive Party (PPP) organised an outreach clinic at Sentul. Although the intentions and

ideas were worthy, the outreach clinic was not very successful in terms of turnout and actual reaching the potential clientele. However, the LACC is indebted to the support shown by the numerous Volunteer Lawyers who made themselves free despite it being held on a Sunday afternoon.

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

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

4. DOCK BRIEF PROGRAMME

Prepared by Project Head, Baljit Singh Sidhu

Committee Members

Baljit Singh Sidhu - Project Head

Mr Hanif bin Hashim

Mr Kamarul Zaman Hj Abdul Rahman

Ms Mary song

Cik Ramlah Begum

Mr Suresh Danapala Singam

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

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

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

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

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

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

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

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

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

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

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

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

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

5. LEGAL AWARENESS PROGRAM (ORIENTATION)

Prepared by Project Head, Charles Hector

Committee Members

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

Objectives

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

Programmes

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

1. Orientation Programme

Content of program

- Introductions & Ice Breakers
 - Value/Priority Analysis,
- Individual and Group
 - Malaysian Reality, Critical Evaluations and Reforms
 - The Role/Response & Expectations of Lawyers),
- Alternative: Understanding of Human Rights, HR in the Federal Constitution, Reality of Rights in Malaysia – Role and Responses of Lawyers
- What is Legal Aid? Relation between Legal Aid and Human Rights (60 min),
 - Conclusions and Collective Resolutions (30 min).

Methodology: - Participative

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

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

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

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

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

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

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

Other plans for the year include the following:

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

SHORTCOMINGS & SOLUTIONS

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

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

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

End Note

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

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

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

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

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

6. SUNGAI BULOH PRISON CLINIC

Committee Members

Sivanesan Nadarajah – Project Head
S Muhendaran
Ramesh Lachmanan

A Balakisnan
M Kamalam

Introduction

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

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

Implementation

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

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

Strength & Weakness

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

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

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

Recommendation

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

- to reduce the number of remand prisoners among the lower income segment of society;
- to ensure that remand prisoners do not remain in Sungai Buloh for more than three months
- to ensure that remand prisoners obtain proper advice to enable them to make an informed decision
- increase cooperation and liaison with the authorities.

7. KAJANG WOMEN PRISON CLINIC
Report submitted by Ramlah Begum

Committee Member
 Ms Mabel Yong

Introduction

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

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

Others

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

Number of cases attended

Persons Approached	206
Referred to Dock Brief (Mitigation & Bail Application)	74
Cases Assigned to Counsel	16
Referred to other State Legal Aid Centres - Melaka- Johor Bahru- Kuantan- Selangor	7361339
Advice only	21

Advantages

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

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

Shortcomings

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

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

Recommendations

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

8. LAC/AWAM LEGAL INFORMATION SERVICE CLINIC

Report submitted by: Sharmini Thiruchelvam (Project Head)

Committee Members:

BCLACKL

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

AWAM

Pushpa Ratnam
Manohari Subramaniam
Chen Lee Ping

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

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

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

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

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

b) Rape Law

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

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

c) **Pupils Program**

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

d) **Outreach Clinic**

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

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

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

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

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

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

e) **Statistics**

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

NO	MATTERS	WALK IN & TELEPHONE CLIENTS
1.	ASSAULT	2
2.	ACCESS TO CHILDREN	1
3.	ADOPTION	4
4.	ANNULMENT	1
5.	BREACH TO PROMISE MARRY	1
6.	BANKRUPTCY	3
7.	CIVIL	9
8.	COMMITAL PROCEEDINGS	2
9.	COUNSELING	5
10.	CONVERSION	1
11.	CRIMINAL	1
12.	CUSTODY	31
13.	CUSTODY/MAINTENANCE	5
14.	DIVORCE	200
15.	DOMESTIC VIOLENCE	27
16.	EMPLOYMENT	16

17.	ENFORCEMENT- MAINTENANCE	3
18.	EPF	1
19.	FAMILY PROBLEMS	12
20.	NUISANCE	1
21.	HOUSING/TENANCY	2
22.	IMMIGRATION	4
23.	INTERIM CUSTODY	1
24.	JUDICIAL SEPARATION	10
25.	LEGAL PROFESSION ACT	2
26.	MAINTENANCE	34
27.	MATRIMONIAL PROPERTY	5
28.	MIGRANT WORKERS	1
29.	PENSIONS	2
30.	PROPERTY	7
31.	PROBATE	2
32.	REGISTRATION OF MARRIAGE	2
33.	RELIGION	2
34.	RAPE	3
35.	RAPE- STATUTORY	1
36.	MOLEST	1
37.	SEXUAL ABUSE	1
38.	SEXUAL HARASSMENT	1
39.	SYARIAH	27
40.	SHELTER	5
41.	VALIDITY OF MARRIAGE	1
42.	WELFARE CASES	2
	GRAND TOTAL	442

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

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

f) Legal Officer

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

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

9. SYARIAH CLINIC

Report submitted by Project Head, Noor Suhaida Kasri

Committee Members

Noor Suhaida Kasri – Project Head
Fahda Nur

Haslinda Sakhroni
Zulkifli Mohamed

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

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

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

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

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

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

The Committee had organised a discussion session titled 'Ex-Parte Application and Interim Order at Syariah Court' on 30 March 2002 (Saturday). The speakers were Tuan Hj Naim Mokhtar (Syariah Lower Court Judge of Wilayah Persekutuan), Prof. Madya Dr. Zaleha Kamaruddin (Lecturer of Law, UIA) and Mr. Abdul Razak Muhidin (Advocates & Solicitors, Syarie Practitioners) and the moderator for this session was Mr. Muhammad Bin Burok (Advocates & Solicitors, Syarie Practitioners, Chairperson of Persatuan Peguam Syarie Malaysia). The participants were from government organisations, PDRM, academicians, and representatives from NGOs, pupils and lawyers.

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

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

Report submitted by Project Head, Ngooi Chiu-Ing

Committee members: -

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

Aims of the program

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

Activities

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

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

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

Shortcoming

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

Future Plans

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

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

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

Report submitted by Project Head, Ngooi Chiu-Ing

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

Our aims are the following:

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

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

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

We have prepared a Website Report which will be available on the KL Bar Committee

website. Publications targeted for those more privileged, have been also included in the website and will only be in on-line form.

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

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

12. SKILLS DEVELOPMENT PROGRAM

Report submitted by Project Head, Ngooi Chiu-Ing

Committee Members

C I Ngooi
Janice Lim
AWAM
Tenaganita
All Project Heads

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

Goals:

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

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

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

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

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

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

- Combined training – done with the LAC Clinic, Syariah Clinic and AWAM to avoid duplication and overlaps
- split training sessions to be half-days instead of full days
- pre-training tests on materials in training manuals with best (and worst?) results to be announced
- more active recruitment of trainers
- training for trainers
- more interactive training programs between pupils and trainers with greater emphasis on role-plays for skills development and training on law for all programs

- Compilation of training modules for all LAC programs. Project heads have been asked to provide syllabuses.
- preparation of Power-Point visual aids.

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

13. JUVENILE TASK FORCE COMMITTEE

Committee Members

Mr Ravi Nekoo
Ms K Parameswary

JUVENILE REMAND HOME PROGRAMME

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

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

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

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

<i>Types of offences.</i>			
Charged Under Sec.	No. Juveniles	Charged Under Sec.	No. Juveniles
Sec 6 / 7 Immigration Act	4	Sec.379A pc	45
Sec. 7 (1) a (EOW)	1	Sec.392 pc	13
Sec. 6 DDA	6	Sec. 395	4
Sec.12(2) DDA Sec.12 (3) DDA	33	Sec. 46(2) Child Act Sec.397	29
Sec.39A DDA	6	Sec.411 pc	39
Sec. 25 (1) (PPN)	18	Sec.447 pc	4
Sec. 41 (1) APJ	1	Sec. 448	4
Sec. 324 pc	1	Sec. 453	5
Sec.354 pc	2	Sec.454 pc	2
Sec. 378	1	Sec. 456 pc	2
Sec.380 pc	8	Sec. 457 pc	9
Sec 379 pc	19	Sec 6 DDA	6
Sec 46(1) Child Act	1	Sec 318 pc	1
TOTAL			219

In July, JTFC wrote to Jabatan Kebajikan Masyarakat (JKM) to meet up with the Pengarah and the heads of the homes to discuss further activities and feedback from the department. An appointment was fixed but later cancelled by the department as the Pengarah had to attend an urgent meeting. JTFC is still awaiting a new date for the proposed meetings.

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

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

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

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

14. LAC'S MIGRANT WORKERS CLINIC

Report submitted by Project Head: Mr S Muhendaran

Committee Members

Mr S Muhendaran

Ms Aegile Fernandez

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

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

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

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

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

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

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

Breakdown of these 7 cases are as follows: -

- i) 4 cases - Labour Court Subang, Selangor
- ii) 2 cases - Labour Court Kuala Lumpur

iii) 1 case - Labour Court Rawang, Selangor

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

Consultant

Mr R Kesavan

Committee Members:

BCLACKL representatives

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

PT Foundation representative

Mr Hisham Hussein (Chairperson)

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

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

About the Clinic and the committee.

A) BCLACKL/PT FOUNDATION LEGAL INFORMATION SERVICE CLINIC

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

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

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

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

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

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

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

C) PUPILS PROGRAM

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

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

16. MANAGEMENT AND ADMINISTRATION

1. Finance

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

2. Acknowledgement

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