

JOHORE BAR COMMITTEE

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FOR MEMBERS ONLY

Internal Circulation

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PRIVATE & CONFIDENTIAL

TO ALL MEMBERS OF THE JOHORE BAR

BY COURT BOX/EMAIL/FAX/JBC WEBSITE

(Note: As the circular is distributed via e-mail/fax, in the event it is forwarded to one person in a firm,
Kindly print the same and distribute amongst the other lawyers and pupils in your office)

LOOKING FORWARD

My brothers and sister-at-law,

This is not the best of times for anyone to lead the Bar.

The KPI and Tracking systems introduced by the Judiciary to expedite the disposal of cases and to clear the backlog have dramatically altered the litigation landscape in our country. The aims and objectives of the initiative are undoubtedly laudable but the reckless, insensitive and overzealous implementation by some judicial officers has not only caused tremendous heartache and headache to lawyers and their clients but threatened to compromise the quality of justice administered in our courts. Efforts taken by the Bar to resolve these problems have so far only achieved limited success. Members expect the Bar Committee to come up with a solution. It is a herculean task.

The events of the last few months have also demonstrated beyond doubt the transient nature of things. The Chairman and Committee members do not enjoy security of tenure. If they fail to meet the expectations of the members who elected them to office they must be prepared to leave or to be removed. Despite the Sword of Damocles constantly hanging over our heads, why did we accept the challenge and the risk of holding office?

It is because we strongly believe that some things need to be done immediately to reduce, if not eliminate the hardship faced by members and to put the affairs of the Johore Bar in order.

The Johore Bar Committee would focus on the following for the current term.

1. Court Problems

The Task Force set up at our first EGM on 15th September 2010 has identified the main problems and issues that we face in court and has prepared and submitted a Memorandum to the Bar Council for action to be taken. We also raised these issues with the Rt. Hon. Chief Justice of Malaysia. Although certain important concessions and decisions were made by the learned Chief Justice, regrettably some judicial officers refuse to follow. So there is a need to pursue this matter with the authorities with even greater zeal and vigour. Our approach would be two-prong, firstly, by direct action taken by the Johore Bar Committee, and secondly, by moving the Bar Council to take vigorous action on a national scale, for this is after all not just a problem peculiar to Johor, but a national problem.

2. Improving Bar- Bench relationship

A good working relationship between the Bar and Bench is imperative for proper administration of justice. Our relationship must be based upon mutual trust and respect. Unfortunately, in recent times, Bar-Bench relationship seems to have taken a dip with some judicial officers, particularly at the subordinate level showing scant respect and regard for lawyers. This is undesirable and must be rectified.

3. Unity is Strength

The recent crisis at the Johore Bar has had both positive and negative effects. Whilst it has helped to strengthen democratic values and norms such as accountability and collective responsibility, it has also left us with a divided Bar. A divided Bar cannot be a good thing. I honestly believe that the battle that was fought did not produce winners or losers. If there was any victory, it belongs to the Johore Bar alone. And the Johore Bar belongs to all of us and not just to one faction or group. Despite being on opposing sides, and despite our differences, we are not enemies but friends. There is no reason for us to be hostile or indifferent to one another. We do not support or condone the existence of camps or factions within the Johore Bar. Let us leave the past behind. Let bygones be bygones. In the interest of the Johore Bar I urge each and everyone of you to bury the hatchet and join forces to produce a strong and united Bar to meet the tremendous challenges that lie ahead. I look forward to your support, help and co-operation.

Sincerely,

S. GUNASEGARAN
Chairman
Johore Bar Committee

(This is a computer-generated letter. No signature is required)