

JOHORE BAR COMMITTEE
2014/2015

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Info Johore Bar 2014/2015

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Message from the Chairman...



R. Jayabalan

Dear members,

A new year has dawned upon us and with that the current Johore Bar Committee's term of office is also coming to an end. Perhaps it is opportune now to look back at the past year and also see what is in store for the new year.

The year 2014 saw an overhaul of the High Court bench in Johor. Three High Court Judges and one Judicial Commissioner were transferred out, two newly appointed Judicial Commissioners and a High Court Judge came in and two resident Judicial Commissioners were elevated. A new Sessions Judge who is also the new Courts Director also came to Johor Bahru. We are still short of one High Court judge and this could cause some difficulty in case management for the time being. We hope that the judiciary will send a new judge soon to complete the High Court bench here.

The implementation of e-filing was tough at the beginning. There were many complications and confusion. However as time went on members have come to accept that e-filing is indeed the way forward for legal practice. E-filing has brought with it many advantages, convenience and time saving. The starting costs for migration to e-filing was considered by some members as prohibitive and has deterred its wider implementation. The courts and the system provider have responded with new filing mechanism and more attractive pricing. This new structure has been effective and more lawyers have taken to e-filing. Members who are still resisting e-filing and continue to rely on the service bureau should consider to move into e-filing soon. This because the costs of service bureau has increased tremendously and is likely to increase more in future in order to force more members to move into e-filing.

The Civil Sessions Court has undergone restructuring. Accident cases will now be heard at Sessions 2 and Sessions 1 will no longer hear accident cases. We are aware of some members' concern with this impending change and had immediately brought this to the courts' attention. One result of this was the re-affirmation that Chief Registrar's Practice Direction No. 2 of 2013 that has set out the workflow and timeline for mediation and hearing of accident cases must be complied with,

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not only by members, but also by the courts. Members are therefore advised to be familiar with the Practice Direction and to bring this to the court's attention when necessary.

The next big move in the country that would affect members especially partners and sole proprietors would be the implementation of GST come 1.4.2015. Many changes in respect of documentation, billing and collection would have to be carried out at the firm in order to be GST compliant. Members are advised to be prepared and to collect as much information as possible in respect of this. The Committee have conducted several seminars and briefing sessions to educate members on GST. Whereas response has been very good, there are still a large number of members especially in the smaller towns who have still not familiarized themselves with the new system and could be caught wanting once the system starts. I would suggest these members to take steps to be ready immediately and a good start would be to read the GST guidelines for lawyers that is available at the Royal Customs webpage. Members are however advised to regularly cross-refer the guidelines with their tax consultants or accountants in order to be certain.

The 43rd Bench & Bar vs Police Games took place on 21st - 28th November 2014 and this time around was organized by the Police. Unfortunately the Bench & Bar contingent still could not break the Police's dominance over the Games despite the strong will and determination. It has been about 25 years since the Bench & Bar won the Games and the disappointment is set to continue for another year. An unfortunate incident during this event was the use of the wrong logo with offensive words instead of the correct Bar Council or Johore Bar logo on the Games souvenir that was handed out by the Police. The matter was immediately taken up with the Police, explanation was sought and we had put on record our anger on this. The Police clarified that the mistake was due to the souvenir printing company downloading the wrong logo from internet and conceded that there was an oversight on their part in failing to recognize this mistake earlier. The printing company and the Police had expressed their regret and extended their written apology to the Committee over this incident.

A continuing difficulty that was faced by the Committee is the lack of wider participation from amongst the members for Bar programs – be it social, sporting or educational events. Whilst generally the level of participation from amongst the younger members have improved, we feel that considering that the Johore Bar is the third largest Bar in the country with 1796 members, we should have better participation at our programs. This is a problem that unfortunately we have to continue to explore and address.

Of late the courts have brought to the Committee's attention that there are too many instances of lawyers coming to court late, standing down matters indefinitely, not properly attired, lack of court decorum, not ready to proceed with matters and poor preparation particularly in criminal matters. Whilst this definitely does not reflect the Bar in general and very small in numbers, it is nevertheless a serious issue that has gained the court's attention and has to be dealt with. Members are therefore advised to avoid such instances and to be ready, willing and able to conduct matters in the best manner and in accordance with the practice and etiquette rules. Members are advised to take note that in as much as we expect the courts to carry out their function accordingly it behoves upon us as well to carry out our function in the same manner.

Members are also reminded that our AGM will take place on the morning of 14.2.2015 at the usual venue the JOTIC Auditorium. Please attend the AGM and exercise your right as members of the Johore Bar. The Annual Dinner & Dance will take place in the same evening. The Social Sub-committee has put a lot of effort and time in ensuring a pleasant and enjoyable evening for members. Do look out for the circular in respect of the dinner and give us your support by attending with your family and friends.

Finally, I wish to thank the Editorial Committee for working hard in ensuring the successful publication of this issue. Thank you.

R. JAYABALAN
CHAIRMAN