

## CHAIRMAN'S REPORT



**Shahareen Begum Binti Abdul Subhan**

### 50TH ANNUAL GENERAL MEETING OF THE JOHORE BAR

The 50th Annual General Meeting of the Johore Bar was held on 21st February 2020 [“the AGM”] at Holiday Villa Hotel Johor Bahru with an attendance of 131 members. The Chairman, the State Bar’s Representative to the Bar Council and a ten-member Committee to manage the Johore Bar for the year 2020/21.

### THE JOHORE BAR COMMITTEE

In addition to the committee elected at the AGM, the Johore Bar Committee [JBC] co-opted Puan Noor Atiqah binti Mohd Thaib Teoh as member of the JBC pursuant to section 73 (vii) of the Legal Profession Act 1976 (“LPA”) w.e.f. 27th February 2020.

The Committee appointed Ms. S. Sharimilathevy as the Honorary Secretary pursuant to section 70(6) of the LPA and Ms. Kamala a/p Ganapathy Rajagopalan as the Honorary Treasurer for the year.

The Committee also invited Ms. Santhi Balachandran, the Johore Bar Representative to the Bar Council, to attend its meetings.

### SUB-COMMITTEES

Twelve sub-committees, each headed by a member of the JBC, were formed to plan and execute the activities of the Johore Bar for the ensuing year. Particulars of the activities organized are found in the reports of the respective sub-committees.

### MEETINGS OF THE JBC

With the exception of the monthly meeting in April 2020, the JBC continued with the tradition of meeting every month to perform its statutory functions and to deliberate on issues and matters that are of concern to the Bar. In order to address issues which arose between the monthly meetings,

JBC met on an ad hoc basis via special meetings conducted remotely. The meetings were, as far as possible, held on the first Thursday of the month. Excluding special meetings, the Committee met 13 times during the year.

## **BAR COUNCIL ACTIVITIES**

Under the LPA, the Chairman of the State Bar Committee is also a member of the Bar Council. At the Bar Council, I was appointed as the Co-Chairperson of the Women's Rights Committee.

## **MEMBERSHIP OF THE JOHORE BAR**

The membership of the Johore Bar continued to grow during the year and stands at 2,338 as at 31st January 2021, 138 more than the previous year. We maintain our position as the third largest state Bar in the country after Kuala Lumpur and Selangor.

## **OBITUARY**

The Johore Bar mourns the loss of the following members and a former member who passed away in during the tenure of the JBC and offers its deepest condolences to the bereaved families:

- (1) the late Sasedharan a/l V Raghavan – passed away on 9th April 2020;
- (2) the late Peter Ng Yee Ter – passed away on 8th June 2020;
- (3) the late Muhammad Taufiq Bin Abdul Jalil – passed away on 27th August 2020;
- (4) the late Ooi Sam Hing @ Ooi Sam Heng – passed away on 28th September 2020;
- (5) the late John Ang Soon Ho – passed away on 11th October 2020;
- (6) the late Mohamad Fadzaial bin Ab Latif – passed away on 23rd December 2020;
- (7) the late Mohd Fairuz bin Mahmood – passed away on 7th January 2021; and
- (8) the late Buvanewary a/p Gunusegran – passed away on 27th January 2021

Given the circumstances, regrettably, the JBC was constrained to hold references.

## **ADMISSIONS TO THE BAR**

There were 112 admissions to the Bar in Johor during the year.

## **DISBURSEMENT OF MONEY UNDER THE LAW CARE FUND**

Payments under the Law Care Fund were made to the families of the following deceased members of the Johore Bar during the year:

- (a) the late Sasedharan a/l V Raghavan;
- (b) the late Ooi Sam Heng; and
- (c) the late Peter Ng Yee Ter.

## DISCIPLINARY PROCEEDINGS

Disciplinary proceedings were taken against 7 members of the Johore Bar during the year, with the following outcome:

- (a) Struck off the Rolls - Nil
- (b) Suspension - 1
- (c) Fine - 6
- (d) Censure - Nil

## COURTESY CALLS

The Committee continued with the tradition of paying a courtesy call on the Judges and Judicial Commissioners of the High Court. The following courtesy calls were made during the year:

- (1) courtesy call on the Judges and Judicial Commissioners of the Johor Bahru High Court on 11th March 2020, followed by a welcoming hi-tea for Dato' Abu Bakar bin Katar, Judge, High Court Johor Bahru and Dato' Fredrick Indran X.A. Nicholas, Judicial Commissioner High Court Johor Bahru;
- (2) courtesy call on the newly appointed Judicial Commissioner of the Johor Bahru High Court, Tuan Ahmad Murad Bin Abdul Aziz on 21st July 2020; and
- (3) courtesy call on the Judge and Judicial Commissioner of the Muar High Court on 6th August 2020.

## TRANSFERS AND RETIREMENT

The Honourable Judicial Commissioner Tuan Ahmad Murad bin Abdul Aziz was appointed as Judicial Commissioner of the Johor Bahru High Court w.e.f. 10th July 2020.

The Honourable Judicial Commissioner Tuan Awang Armadajaya bin Awang Mahmud of the Johor Bahru High Court was transferred to the Muar High Court w.e.f. 13th July 2020.

There are presently 8 Judges and Judicial Commissioners in Johor, with 6 in Johor Bahru and 2 in Muar.

## THE “NEW NORMAL”

In sharp contrast to the previous years, due to the inhibitions and constraints as a result of the Movement Control Orders of varying stringency and the accompanying Standard Operating Procedures implemented by the Government in battling the COVID-19 pandemic, the implementation of activities of the sub-committees were greatly affected. The legal profession too was not spared the consequences, initially throwing the traditional ways of practice into somewhat of a disarray. To overcome the limitations placed on the legal profession, alternative means of conducting court matters and dealing with agencies such as the land and local authorities were formulated – “New Normal” becoming an oft-cited phrase. The “New Normal” saw the development of the virtual space – disposal of court matters by remote means (email, Skype, Zoom, e-Review), business with land and local authorities conducted online.

Amendments to the Rules of Court 2012, the Rules of the Court of Appeal 1994 and the Rules of the Federal Court 1995 ensued followed by *Arahan Amalan Ketua Hakim Negara Bil 1 Tahun*

## *2021 Pengendalian Prosiding Kes Sivil Melalui Teknologi Komunikasi Jarak Jauh Bagi Mahkamah Di Seluruh Malaysia.*

In its endeavour to discharge its duties and commitment to the members of the Johore Bar; JBC embraced this “New Normal”, every effort was made to ensure normalcy in the abnormal circumstances prevailing since 18/03/2020 and continuing.

With directives changing frequently, sometimes quickly too, circulars were issued speedily to keep members abreast with the developments. I appreciate that this resulted in a load of circulars but this was a necessary “inconvenience”.

## **ACTIVITIES OF THE JOHORE BAR**

### (1) Court and Conveyancing issues

As has always been the approach of previous Johore Bar Committees, problems and difficulties raised by members concerning “bread & butter” issues were given priority.

Issues requiring urgent attention were raised at the AGM. The JBC immediately, without waiting for the formation of the Court Liaison Sub-Committee [CLSC], sought a meeting with Tuan Mohamad Haldar bin Abdul Aziz, Director of Courts Johor [“Tuan Haldar”] and one was fixed for 27/02/2020. JBC together with Ms. Chandrika attended the meeting and aired the grievances of the Johore Bar as set out below. Copies of the “**Arahan Amalan Hakim Besar 2/2011**” dated 07/04/2011 were given to Tuan Haldar in support of the position taken by JBC that the manner in which proceedings were conducted in a particular court was a contravention of that Practice Direction. At the conclusion of the meeting, Tuan Haldar assured that he would do his best to resolve the issues, asked for 2 weeks to address them.

#### **Court “A”**

- (i) Court sat at 8:30 a.m. Matters were struck off were counsels not present at that time.
- (ii) Cases were struck off if a subpoena witness is unable to attend trial on the scheduled date, regardless of the circumstances behind the absence.
- (iii) Counsel’s free dates were not considered when fixing hearing dates.
- (iv) A lawyer from Kuala Lumpur was present in court at 8:50 a.m., only to discover that her matter had been struck off at 8:30 a.m.
- (v) Accident matters were required to be completed in 1 day, no part heard was allowed.
- (vi) Cases which had been fixed for more than 1 day before the former Sessions Court Judge were now reduced to 1 day with the other day(s) vacated.
- (vii) All witnesses, including expert witnesses & specialists, had to be present on that single trial date.
- (viii) Where counsel(s) had matter(s) in High Court, this Court refused to stand down the matter before it, thereby refusing to defer to the High Court.
- (ix) Witness statements were required for subpoena witness.
- (x) Once a witness statement is filed, additional questions were restricted to 2.

#### **Court “B”**

- (i) Matters were struck off at 9 a.m.

- (ii) Despite conclusion of trial and filing of submissions, mediation is conducted subsequently. The decision then delivered is not one based on consideration of the submissions, the evidence and the law but one based on the mediation settlement.
- (iii) Where cases are fixed for more than 1 day's trial, matters other than the scheduled trial(s) are proceeded with on Day 1 of trial. On Day 2, parties are required to either record consent judgment or withdraw the suit.
- (iv) Complaints had been received that this Court's interpreter was rude, had an attitude problem.

### **Court "C"**

YBGK lawyers were required to be on standby in every court.

CLSC, subsequent to this first meeting, and the Conveyancing Sub-Committee respectively tackled and resolved court and conveyancing issues as expeditiously possible under the circumstances, particulars of which are found in the respective sub-Committee report.

### (2) Continuing Professional Development ("CPD")

Notwithstanding the challenges posed, CPD Sub-Committee organized 29 events, including one Professional Standards Course on 13th and 14th July 2020. From 18/03/2020 until 31/07/2020, the webinars were free of charge.

The Professional Standards Course, as a matter of course, culminates in a dinner. Since this dinner could not be held this time, the cost of the course was accordingly reduced.

### (3) The Legal Aid Sub-Committee

Following the workshop organized by the Yayasan Pembangunan Keluarga Darul Ta'zim (YPKDT) at Iskandar Puteri Nusajaya on 4th March 2020, the JBC was requested to invite applications from the State Bar for emplacement onto YPKDT's panel of solicitors for its *Skim Bantuan Guaman Wanita*, a scheme to provide legal services in non-contentious divorce proceedings for non-Muslim women in the B40 category. This the JBC did and received an overwhelming response.

It was a scheme with much potential – an additional avenue to legal aid to the client and a source of income for members of the State Bar. Unfortunately, without prior consultation with the JBC, YPKDT cancelled the scheme. Members were notified of this turn of events via circular.

### (4) The Social, Charity and Welfare Sub-Committee

Prompted by an article carried in the New Straits Times on 16/01/2021 entitled "Desperation drives JB homeless to depend on handouts from public", this sub-committee organized a donation drive to contribute to a group of good Samaritans - "*Reach Out to the Needy*"- to help feed the needy. Thanks to the immense generosity of the good members of the Johore Bar, the collection of RM7,150-00 was handed over to the group.

The group distributes food weekly on Thursdays. On 18/02/2021, part of the funds raised were utilized by the group for the week's distribution. The pre-prepared food packets for the day were distributed by the JBC.

(5) The Sports Sub-Committee

Unfortunately, no sporting event could be organized and not for want of trying either.

(6) The Human Rights Sub-Committee

This Sub-Committee successfully provided legal aid on 2 occasions and organized online forum entitled *Sexual Harassment: Investigation and Prosecution* in conjunction with the Johore Bar's Campaign against Sexual Harassment. This forum, held in collaboration with the Building, House, Library and Members' Welfare Sub-Committee, was streamed from the Johore Bar Secretariat with the IT support and skill of the Publication & IT Sub-Committee.

(7) The Young Lawyers & Chambering Pupils Sub-Committee [“YLCP”]

Undeterred by the disruption to its plans for educational and social plans, the YLC sub-committee organized 6 events, including one on mental health.

To address the issue of draft admission orders not being approved by the counsel appearing for the Attorney General's Chambers of Malaysia immediately following the conclusion of the admission to the Bar proceedings, the JBC requested for a meeting with Tuan Jailani bin Rahman, Pengarah Guaman Negeri Johor. An appointment was fixed for 14/04/2020 but this meeting too suffered a fate similar to other events affected by the movement control orders.

However, it was thereafter noted that draft orders were being approved at the conclusion of the proceedings itself; the issue was resolved without a meeting.

(8) The Shariah Sub-Committee

Keeping up the momentum of educational webinars, the Shariah Sub-Committee organized 2 webinars.

(9) The Building, House, Library and Members' Welfare Sub-Committee

To help members with the gradual but certain shift towards the conduct and the disposal of court matters via Remote Communication Technology, this sub-committee set up 2 Virtual Hearing Facilities [VHF] at the Johore Bar Secretariat. These facilities are available to the members, at no cost, with prior appointment.

A hands on training session was organised to equip members with the technical know - how and tips/guides for online hearings. A similar session was planned for Muar but intervening travel restrictions put paid to those plans.

It must be mentioned that the VHF was installed entirely, not just planned and sourced, by Encik Khairulazwad, Chairperson of this sub-committee together with the Chairperson of The Publication & IT Sub-Committee, Encik Fadhil Ihsan.

Also, the Johore State Bar received funds of RM5,000.00, as approved by the Bar Council Finance Committee, for the setting up of the VHF. All State Bars were granted this fund by the Bar Council Finance Committee.

(10) The North Johore Affairs Sub-Committee

North Johore members bid farewell to Rosita Razak (a long serving, invaluable staff at the Muar Bar Room) and Deputy Registrar High Court Muar, Puan Mageshwary A/P Muniandy.

The sub-committee's successful blood drive with 46 pints of blood collected, rare blood types included, was quite an achievement.

(11) The Publication & IT Sub-Committee

Without the expertise, skill and knowledge of Encik Fadhil Ihsan, the JBC's activities would have come to a stand-still. Ever generous with his knowledge and time, he has worked hard improving the Secretariat, been present at every webinar and forum. I daresay the rest of the JBC is more tech-savvy now than we were pre-MCO.

## GENERAL NEWS

(1) Meeting with the National Registration Department Johor Bahru

A meeting with the National Registration Department Johor Bahru was originally scheduled for 10/02/2021. At the request of the Department, it was rescheduled to 24/02/2021. Issues to be raised following the feedback to JBC Circular No. 81/20, are:-

- (a) IC numbers are required to conduct death searches. This is an obstacle especially where the deceased's IC number is not known but other details are available.
- (b) An action needs to be filed before an IC search on a defendant is permitted. This defeats the purpose of the IC search in the first place as the search is required to obtain the last known address etc for the purposes of filing a suit.
- (c) In suits involving TNB, certified true copies of the agreements between TNB and the consumer is required. TNB bills should be sufficient proof of the consumer contract, as is the procedure at the National Registration Department KL.
- (d) Certified true copies of Judgments in Default are required. Again this is not the practice in National Registration Department KL.
- (e) Legal firms are not allowed to conduct birth certificate searches; only family can. This results in delay as family can only attend to it according to their convenience.
- (f) Original documents are required to be attached to the NRIC search application form.

(2) The Johore Bar's Campaign Against Sexual Harassment

The Johore Bar launched its campaign against sexual harassment within the legal profession launched on 19/11/2020. To mark the launch, Johore Bar in collaboration with

the Association of Women Lawyers held a forum entitled - Sexual Harassment in the Legal Workspace.

Johore Bar's move in this direction saw its beginnings with the Kuala Lumpur Bar efforts to raise awareness and procure the commitment of legal firms to eradicate sexual harassment at the workplace. This initiative was shared with the other State Bars and JBC promptly got on board.

In addition to this forum, which was organised by the CPD Sub-Committee, 2 other events were organised – the earlier mentioned online forum by the Human Rights Sub-Committee and *Dealing With Workplace Harassment In Law Firms*. The latter was jointly organized by the CPD Sub-Committee and the YLCP Sub-Committee.

### (3) MBJB Signboard Licensing Issue

JBC was notified of MBBB requiring a legal firm to apply for a signboard license. This was taken up immediately by JBC on 22/10/2020. MBBB responded favourably stating that the waiver of the licensing fee is agreed in principle and were in the process of formulating a new policy for the purpose of this exemption.

## **PARTICIPATION OF MEMBERS IN THE ACTIVITIES OF THE JOHORE BAR**

The availability of forums online and webinars increased the accessibility to members to these events. It is hoped that, when circumstances permit us to revert to the traditional physical seminars, forums and workshops, the interest and participation will not wane.

## **APPRECIATION**

I wish to record my deepest appreciation and gratitude to the following persons for their help, support and co-operation in carrying out my duties as Chairman of the Johore Bar:

- (a) the Honourable Justice Datuk See Mee Chun Senior Judge of the Johor Bahru High Court;
- (b) the Honourable Justice Datuk Wira Halijah binti Abbas, Senior Judge of the Muar High Court;
- (c) Tuan Haldar Tuan Mohamad Haldar bin Abdul Aziz, Director of Courts Johor;
- (d) Puan Azureen Sahira Binti Sauffee Afandi, Deputy Registrar High Court Johor Bahru;
- (e) Tuan Mohd Zulhilmi Bin Ibrahim, Johor Bahru Subordinate Courts Senior Assistant Registrar;
- (f) Puan Mageshwary a/p Muniandy Deputy Registrar High Court Muar;
- (g) Puan Noor Shahidah Binti Saharom, Deputy Registrar High Court Muar; and
- (h) All the Judges and Judicial Commissioners of the High Court in Johor.

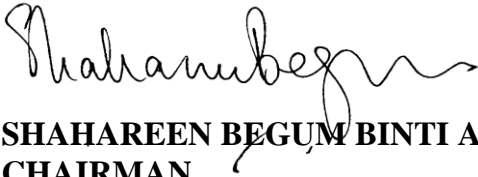
I also owe a depth of gratitude to the members of my Committee for not only carrying out the tasks entrusted to them diligently but for their support for and confidence in me throughout the year.

My sincere appreciation goes also to the Johore Bar Secretariat, led by Pn. Siti Norhafizah binti Mohd Umar and comprising of Ms. Cicelia Mani, En. Shuhaimi bin Mohd Ali @ Adam, Pn. Nurhuda binti Mohd Fadzil (in Johor Bahru) and Pn. Nur Aqilah (in Muar) for their sincere

dedication, devotion and efforts to ensure the success of all the activities carried out by the Johore Bar during the year.

I thank you for the honour and privilege of serving as your Chairman. It is my sincere hope that my efforts to serve you well have not disappointed you. My humble apologies for any shortcomings.

Dated this 22nd February 2021.



**SHAHAREEN BEGUM BINTI ABDUL SUBHAN**  
**CHAIRMAN**