

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 /POST

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TO : ALL THE MEMBERS OF THE BAR

REQUISITION FOR AN EXTRAORDINARY GENERAL MEETING

OF THE JOHORE STATE BAR PURSUANT TO

SECTION 70A(3) OF THE LEGAL PROFESSION ACT, 1976

1. I am authorized by the Committee which met on 28.10.10 to write to you as follows which is by way of service:
2. I refer to the above and in respect thereof you are one of the Requisitionists calling for an Extraordinary General Meeting under Section 70A(3) of the LPA with the view to passing a resolution contained in a Motion dated 6.10.10 proposed by Mr Jagatheeson and seconded by Mr Hisyam Abdullah Teh Poh Teik about which (that is the said Motion) you must be fully aware.
3. The Motion calls for the following Resolutions:-
 - (1) That the Motion of No Confidence against Mr P.Suppiah as Chairman of the Johore Bar Committee adopted at the Extraordinary General Meeting of the Johore State Bar on 15th of September 2010 be hereby reaffirmed.
 - (2) That, by clinging onto his position and refusing to resign as Chairman of the Johore Bar Committee, Mr P.Suppiah has gone against the wishes of the Johore State Bar and lost the mandate from the Johore State Bar.

- (3) That Mr P.Suppiah be forthwith removed as Chairman of the Johore Bar Committee.
 - (4) That a new Chairman of the Johore Bar Committee be elected immediately by members present at this Extraordinary General Meeting, who shall hold office until the next Annual General Meeting of the Johore State Bar.
 - (5) That the Johore Bar Committee be directed to specifically take cognizance of and deal with the immediate removal of Mr P.Suppiah as Chairman, and the replacement by the person elected at this Extraordinary General Meeting to be the Chairman in his place.
4. The complaints contained in the said Motion are, inter alia,
- (a) some overzealous judicial officers who blatantly ignore or overlook basic and established principles of law and procedure in their obsession to speed up and dispose of trials, and to produce higher numerical statistics of completion of cases, leading in some instances to gross injustice to litigants and lawyers;
 - (b) some Courts being unduly harsh to counsel by, among others:
 - (a) fixing dates for hearing/continued hearing of matters without considering counsel's free dates;
 - (b) applying undue pressure on counsel/litigants to settle cases;
 - (c) giving unrealistically short time frame for parties to file written submissions;
 - (d) bringing forward the hearing dates of matters without counsel's consent;
 - (e) refusing to grant adjournments even when there are valid and cogent reasons, such as when counsel is sick;
 - (f) making unwarranted and rude remarks against counsel.
5. The said Motion goes on to say that the above complaints were brought to the attention of the Chairman of the Johore Bar and that he had APPARENTLY failed to relay those complaints to the Chief Justice.
6. The complaints were in fact brought to relevant persons in writing and the particulars of two instances are:

- (1) the Motion in draft which contained more or less all the said complaints was handed over to the Managing Judge YAA Datuk Ramli by the Chairman in the Learned Judge's chambers at Putrajaya on 13.8.10 and it was passed on to the Honourable Justice Vernon Ong Lam Kiat in Johore Bahru for his necessary action.

A copy of the said Motion can be made available if required.

- (2) The Johore Bar Committee had a forum on 13.7.10 at which all the complaints were collected and tabulated by Mr George Matthews and they were sent to the said Learned Judge Justice Vernon Ong Lam Kiat in Johore Bahru on 13.8.10.

A copy of the said complaints in tabulated form can be made available if required.

7. The Bar Council had also been meeting the Chief Justice from time to time to complain against the Judiciary arising from and connected with KPI matters. If particulars are required therefor the Chairman will be able to obtain them from the Bar Council. In fact I was informed by the Chairman that the Members of the Bar Council had a Meeting with the Chief Justice on the KPI aspect on 7.10.09 whereat all the KPI problems were ventilated. That would be well before the Chairman became the Chairman of the Johore Bar on 25.2.10.

8. The Committee at its said meeting decided not to call for the said Extraordinary General Meeting as requested (by Ms Mary Jesmal Periera's letter dated 18.10.10 about which you must be aware and if not I could send you a copy) inter alia for the following reasons:

- (1) there is no provision for a No-Confidence Motion to be passed against the Chairman under the Legal Profession Act.
- (2) Under Section 70(5) of the Legal Profession Act the Chairman SHALL HOLD OFFICE UNTIL the next Annual General Meeting which is to take place on 25.02.2011.
- (3) The facts contained in the said Motion would not by any stretch of the imagination constitute "No Confidence".
- (4) The Committee is not obliged to call for an Extraordinary General Meeting and put forward a Motion which is ultra vires the Legal Profession Act. The Motion in question is.

- (5) The facts on which the No-Confidence Motion are based are the same facts which the members “passed” at the illegally continued Extraordinary General Meeting on 15.9.10 which the present Motion calls for reaffirmation.
9. 202 Members of the Johore Bar have sent a Memorandum dated 28-10-2010 to the Committee stating that the EGM should not be called reasons being :
- (a) the forthcoming AGM is approximately 4 months from the date of this Memorandum and scheduled in February 2011 and as such it would be prudent to hold on until the said AGM where all members will have the choice of nominating and electing a Chairman;
 - (b) given the undesirable and chaotic proceedings which marred the said EGM on 15-9-2010 it would be preferable not to undergo another EGM with potentially the same disastrous results or worse for the sake of maintaining the harmony and sanctity of the Johor Bar;
 - (c) the situation in relation to the Johor Courts vis a vis the Key Performance Index (KPI) issue has generally taken a turn for the better since the last EGM on 15-9-2010 whereby the pertinent issues affecting members have been duly forwarded by the Johor Bar Committee to the Courts thereby rendering this proposed EGM unnecessary;
 - (d) the holding of another EGM in a short space of time will attract added costs and expenses in the region of RM4,000.00 and will under the circumstances mentioned above constitute an unnecessary usage of members funds.

PUSHPALATHA NAIDU
HON SECRETARY