



COURT LIAISON

Ng Kong Peng (Chairperson) | GK Ganesan (Deputy Chairperson)
 | Andrew Chiew Ean Vooi | Asbir Kaur | Avinder Singh Gill
 | Chin Yeow Chong | Dahlia Lee | Mohamed Zaini Mazlan |
 Mohd Nazrin b Ibrahim | Pushpa Ratnam | S Murthi | SY Lee |
 Tieh Siaw Siong | Vijay Kumar Natarajan | Nik Waheeda bt Nik
 Kamarulzaman (Officer-in-charge)

Towards a just and effective justice system for all

During the 2010/2011 term, the Court Liaison Committee (“CLC”) continued with its primary objective of looking into the needs of, and problems encountered by, Members of the Bar in matters relating to the administration of courts.

CLC held several meetings during the term under review. The activities undertaken by CLC for the term included:

(1) Meeting with President of Court of Appeal

CLC representatives, together with Lim Chee Wee, Vice-President of the Malaysian Bar, met with YAA Tan Sri Dato’ Seri Alauddin b Dato’ Mohd Sheriff, President of the Court of Appeal, on 13 May 2010 to discuss issues arising from His Lordship’s Practice Directions No 1/2010 and No 2/2010 on the disposal of pre-2008 appeal cases.

(2) Meetings with the CJ and other Judges

CLC, represented by the Chairperson, has had several meetings with the CJ, YAA Tun Dato’ Seri Zaki b Tun Azmi.

On 3 June 2010, CLC’s Chairperson, together with the Office Bearers and some Council members, met with the CJ, Judges of the Federal Court (YA Tan Sri Dato’ Zulkefli b Ahmad Makinudin, YA Tan Sri James Foong Cheng Yuen and YA Dato’ Seri Md Raus b Sharif) and Judges of

the Court of Appeal (YA Datuk Suriyadi b Halim Omar and YA Datuk Ramly b Hj Ali). The meeting was held to discuss several issues and problems faced in courts by Members of the Bar, which included, among others, the direction from the CJ that courts begin sitting at 8:30 am, the lack of written judgments by appellate courts and the manner in which mediation was being carried out in courts. A bundle of complaints by Members of the Bar was handed over to the CJ during the meeting for the CJ’s feedback. Circular No 249/2010 dated 8 Oct 2010 was later issued to inform Members of the matters agreed on between BC and the Judiciary at the meeting.

On 29 Sept 2010, BC representatives had another meeting with the Judiciary, comprising the CJ, the President of the Court of Appeal, YAA Tan Sri Ariffin b Zakaria (Chief Judge of Malaya), and YA Tan Sri Dato’ Zulkefli b Ahmad Makinudin, YA Dato’ Seri Md Raus b Sharif and YA Dato’ Abdull Hamid b Embong (Judges of the Federal Court). The meeting discussed the issues and problems Members of the Bar still faced in courts, which included, among others, the practice of courts fixing hearing dates without the consent of the parties involved, courts’ inclination to instruct a party to close its case if a witness who has been subpoenaed fails to turn up and courts continuing to sit long after 5:00 pm.

Further, on 8 Jan 2011, a dialogue was held between Members of the Bar and approximately 50 members of

the Judiciary comprising the CJ, the Managing Judges of both Kuala Lumpur and Selangor courts, and Judges from the Federal Court, Court of Appeal, High Court and Subordinate Courts.

Circular No 020/2011 dated 27 Jan 2011 was issued to inform Members of the matters BC and the Judiciary agreed upon at both meetings.

(3) Meetings of *Jawatankuasa Kerja Pentadbiran Keadilan*

CLC's Deputy Chairperson represented BC at the meetings held on 3 June and 15 July 2010, during which the proposed Combined Rules of Court, the proposed Mediation Act and the proposed National Legal Aid Foundation, among others, were discussed.

(4) Memorandum on the use of witness statements

CLC has discussed the problems faced by Members in relation to the use of witness statements in court, especially those arising from the non-standardisation of practice in court on the use of such statements. In view of this, CLC prepared a memorandum on, and general guidelines regarding the use of witness statements. The BC Task Force on Combined Rules of Court will consider including the guidelines in the proposed Combined Rules of Court.

(5) Proposed scale for award of costs by the court

At the time of writing this report, CLC is in the midst of preparing a scale for the award of costs by the court. This scale will serve as a guide for the Judiciary when deciding on the quantum of costs to be awarded. Once approved by BC, it is intended that the scale will be forwarded to the CJ for consideration.

(6) Complaints by Members

CLC actively collates and monitors complaints from Members of the Bar and also from the public on issues relating to the administration of courts. CLC considered the complaints received and proposed the appropriate action(s) to be taken. Some of the complaints relating to state-level matters were referred to the respective State Bars for more efficient and prompt resolution.

Other complaints were discussed during BC meetings and, where appropriate, were conveyed to the CJ during the regular meetings between BC and the Judiciary.

(7) Court Recording and Transcription System ("CRT")

CLC has been informed of the problems that have arisen with the recent implementation of CRT, such as lack of available transcribers, costs of transcribing and resolution of disputes arising from disagreements over the transcribed notes of evidence. CLC intends to meet the CJ, together with BC members and Office Bearers, to discuss the matter further.

(8) General

CLC is disappointed with the lack of participation from members of the State Bars in the work of the committee. Despite efforts to mobilise members from the states to provide their input, the members of CLC are mainly from Kuala Lumpur and Selangor Bars. The proposed setting up of a task force for each state has not generated much enthusiasm. It is now mainly left to the State Bar Chairmen and Bar representatives in BC to ventilate state-level issues for CLC's action.

Acknowledgment

I express my appreciation to members of CLC for their commitment and invaluable contribution throughout the term, and to the Office Bearers, Council members and BC Secretariat for the support and assistance rendered to CLC in all its endeavours.

Ng Kong Peng
Chairperson

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