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To Members of the Malaysian Bar

Guide to Reopening of Legal Firms

As we prepare ourselves to embrace the new normal at the workplace starting tomorrow, 4 May 2020, there will be many focus areas for law firm owners, lawyers, and staff, to look into. Everyone in the law firms will have their own anxieties, concerns and confusion, over matters that were left too long since the start of the Movement Control Order ("MCO") period.

We have compiled a list of "to dos" for law firm owners, lawyers and staff, as a reference when they are back in the office. This reference is prepared merely as a non-binding guide, from a risk management aspect. We hope it would assist Members during this unprecedented time. We also remind Members that official guidelines and Standard Operating Procedures issued by the Government, must be adhered to.

A. Reopening the Office

The list below is adapted from the Standard Operating Procedures to restart the economy, as issued by the Government.

(1) Law firms must screen the body temperature of employees, clients and anyone else entering the office, at the entrance to the office on a daily basis.

(2) Keep a record of the temperature reading, along with the following details, for six months. The records can be kept separately for law firm personnel and clients / others.

- (a) Name
- (b) NRIC or passport number
- (c) Telephone number
- (d) Address
- (e) Time in and out of the office
- (f) Signature

(3) Anyone with a temperature reading above 37.5°C should not be allowed into the premises.

(4) Place notices in front of the entrance and inside the office premises to remind staff and clients about maintaining social distancing, wearing face masks, the use of sanitisers, and the like.

(5) COVID-19 prevention procedures should be followed, including social distancing:

(a) Re-examine seating arrangements in confined spaces and open workspace.

(b) Ensure seating arrangements have at least a 1-metre gap. This applies to seating arrangements for staff and visitors.

(6) Firms should provide hand sanitisers and ensure the use of face masks is adhered to, at all times.

(7) Law firms must provide face masks to staff and it is compulsory to be worn when dealing with clients.

(8) Law firms should conduct on-premises disinfection / sanitisation process.

(9) Ideally, accept clients by appointment only, and ensure there is sufficient gap between each appointment (eg 15-minutes apart).

B. Administrative

(1) Do a headcount of employees.

(a) Check who is sick or unavailable, and who will take over the person's duties, to ensure pending work will be attended to.

(b) Assign a staff member to check on the employee who is not at work.

(c) Adopt a work-from-home policy reducing the need for physical staff attendance in the office and/or reduced working hours in the office.

(2) Conduct an update meeting immediately.

(a) Check the number of files and workload that was left unattended since the MCO period started.

(b) Identify files and work that requires priority.

(c) Give clear instructions, including feasible timelines. Ensure to check with the relevant bodies if there is a timeline set for submission of documents.

(d) Schedule a follow-up meeting to check on progress.

> By finding out the last progress of files and workload, you will be able to prioritise files and work, as well as set feasible timelines according to the relevant bodies, eg Land Offices and Inland Revenue Board of Malaysia (Lembaga Hasil Dalam Negeri Malaysia, "LHDN").

(3) Check faxes.

(a) Prepare a list of faxes received during the MCO period.

(b) Identify faxes that require immediate attention and tag the document. Distribute faxes to the person or department handling the matter for their follow up.

(c) The person or department receiving the fax should check the file, proceed with the necessary action (ie replying to the sender), and file the document.

(d) After two days, follow up with the person or department concerned and update the fax list.

(e) Ensure that all faxes are properly attended to.

(4) Check email inbox.

(a) Prepare a list of emails received during the MCO period.

(b) Identify emails that require immediate attention. If the email account is the law firm's general email, distribute the emails to the appropriate person or department handling the matter for their follow up.

(c) Check the file and proceed with the necessary action (ie replying to the sender). If the email was distributed to another person or department, the recipient should check the file, proceed with the necessary action (ie replying to the sender), and file the email.

(d) After two days, follow up with the person or department receiving the forwarded email, and update the email list.

(e) Ensure that all emails are properly attended to.

You won't miss replying to any emails or faxes, and you will know which ones require immediate attention. Don't forget to review the respective files before replying to the faxes and emails.

(5) Check your accounts.

(a) Prepare a list of outstanding payments due — such as rental, utility bills, salaries etc — to keep your firm running as usual.

(b) Start preparing documents for LHDN submission.

(c) Reconcile accounts as soon as possible, to ensure the accounts are consistent, accurate, complete, and payments are in order.

(6) Others

(a) Check security vault or locked cabinets, and confirm all important documents are accounted for. If you find anything missing or strange (eg picked lock), please take the necessary action.

(b) Check equipment, appliances and server to ensure all are accounted for, in good condition, and functional.

(c) If there is anything missing, make a list and report to the appropriate party:

(i) Royal Malaysia Police (Polis Diraja Malaysia, "PDRM") for break-ins and missing items (eg computers, printers);

(ii) Jardine Lloyd Thompson Sdn Bhd ("JLT") for claim or circumstance (eg missed deadlines, letter of demand); and

(iii) Insurance company for break-in / burglary.

(d) Suggested to-do list for all:

(i) Turn off auto email responder.

(ii) Review your calendar / deadlines.

(iii) Don't try to tackle your work all at once — take one step at a time and make a list.

(iv) Make a list or update your list — strategise your tasks, whether to tackle the easiest or hardest tasks first.

(v) Take care of yourself — always practise social distancing, wear a mask, wash your hands frequently, and use a sanitiser.

(vi) Resume your routine and focus on the present.

C. Litigation

(1) Check status of active files.

- (a) Make a list of due dates and action required for each file.
- (b) Check e-Review and e-Filing dates and to-dos;
- (c) Categorise priority according to due dates and action required. Pay attention if there are limitation period and fast approaching deadlines.

(2) Update meeting with department staff.

- (a) Organise a meeting to update on active files.
- (b) Identify high priority files where due dates are fast approaching.
- (c) Give clear instructions to staff on how to deal with the files.
- (d) Set a follow-up meeting to check on the progress of active files. Repeat this step if necessary.

(3) Check status of files with the Courts.

- (a) Check with the Courts for new scheduled dates.
- (b) Regularly check State Bar and Bar Council circulars, for updates.

(4) Update clients on status of files.

- (a) Update your clients immediately about the status of their files.
- (b) If there is an issue with the files, inform them about the steps you have taken to resolve the issue.
- (c) If you require your clients to decide on certain issues, inform them and make sure to obtain their instructions in writing, or at the least, confirm their instructions back in writing.

D. Conveyancing

(1) Check status of active files.

- (a) Make a list of due dates and action required for each file.
- (b) Categorise priority according to due dates and action required.

(2) Update meeting with department staff.

- (a) Organise a meeting to update on active files.

(b) Identify high-priority files where due dates are fast approaching.

(c) Give clear instructions to staff on how to deal with the files.

(d) Set a follow-up meeting to check on the progress of active files. Repeat this step if necessary.

(3) Check status of files with Land Offices, banks and developers.

(a) Check with Land Offices about the progress of your applications, ideally in writing.

(b) Take note of Real Property Gains Tax (Cukai Keuntungan Harta Tanah, “CKHT”) payment due between 18 Mar and 30 Apr 2020; the deadline being 30 Apr 2020.

(c) Inform banks and developers in writing, if you require an extension of time.

(d) Regularly check State Bar and Bar Council circulars, for updates.

(4) Update clients about status of files.

(a) Update your clients immediately about the status of their files.

(b) If there is an issue with the files, inform them about the steps you have taken to resolve the issue.

(c) If you require your clients to decide on certain issues, inform them and make sure to obtain their instructions in writing, or at the least, confirm their instructions back in writing.

In the event that you encounter a circumstance that could lead to a claim, or have received a writ, notify the Professional Indemnity Insurance (“PII”) Scheme broker, JLT, immediately in writing, as soon as possible within 60 days of awareness. Failure to do so will result in a declinature by the Insurer.

If you have any questions or require assistance, please send us an email to council@malaysianbar.org.my or pirm@malaysianbar.org.my.

Thank you.

A G Kalidas
Secretary
Malaysian Bar