



**Circular No 125/2021
Dated 2 Apr 2021**

To Members of the Malaysian Bar

**The Office Bearers of the Malaysian Bar and the Bar Council Court Liaison Committee
Representatives' Meeting with the Judiciary (19 Mar 2021)**

On 19 Mar 2021, a meeting was held between the Malaysian Bar (“the Bar”) and the Judiciary. This meeting was convened at the request of the Bar following the feedback from Members received pursuant to [Circular No 054/2021](#).

The President together with the other Office Bearers (“OBs”) and the Bar Council Court Liaison Committee (“CLC”) attended the meeting for the Malaysian Bar.

The key matters deliberated and discussed during the meeting are summarised below.

(1) Physical and virtual hearings during the Movement Control Order Period

(i) Hearing of applications conducted via e-Review

e-Review should only be used to conduct case managements in accordance with Arahan Amalan Ketua Hakim Negara Bilangan 1 Tahun 2021 (“the Practice Directions”).

(ii) Hearing of contentious applications conducted via email

Pursuant to the Practice Directions, the Courts retain the discretion to decide on the mode of hearing, taking into account the relevant factors and submissions.

(iii) Postponement of petitions for grant of probate and letters of administration cases in Kuala Lumpur

The postponement of a number of probate and letter of administration (“probate matters”) could cause difficulties to parties in certain cases as well as result in backlogs. In response to Bar Council (“BC”)’s query, the Judiciary informed that a draft standard operating procedure to hear probate matters via online hearing is in the pipeline. Pending its finalisation and implementation, Members may write to Court to have urgent probate matters heard by way of physical hearing.

(2) Filing deadline for written submissions, bundles of authority and executive summaries in Federal Court and Court of Appeal

To address the problem of the e-Filing system blocking filing of written submissions, bundles of authority and executive summaries (“Submissions”) before the 14-day deadline under Item 17.1 of Arahan Amalan Mahkamah Persekutuan Bil 1 Tahun 2018, the Courts will state the exact Submissions filing date instead of stating that filing is to be 14 days prior to the hearing date.

Members who are unable to meet the deadline may write to the Courts for an extension, which may be granted subject to the Courts' discretion.

Members are not prohibited from submitting orally at the hearing notwithstanding the non-filing of the Submissions.

(3) **e-Bicara**

Judiciary: The implementation of e-Bicara has been put on hold. The technical issues are to be resolved before the system is fully implemented and expanded nationwide.

(4) **Implementation of Short Message Service (“SMS”) notification system**

A notification system via SMS commenced on 1 Mar 2021 where a notification will be sent to the relevant parties involved in a case, concerning deadlines for filing of Submissions at the Federal Court and Court of Appeal. However, some Members were reluctant to disclose their mobile numbers.

An SMS alert system to inform, and/or remind parties, of their hearing dates will be implemented soon by the Judiciary.

Members are strongly encouraged to provide the required information to ensure the smooth process of Court-related matters.

(5) **Expansion of e-Appellate**

The implementation of the e-Appellate System will be expanded soon to the Subordinate Courts and High Courts in Peninsular Malaysia.

(6) **Automated Certification of Copies of Digitally Sealed Orders**

The Judiciary is looking into the automated certification of copies of digitally sealed orders (“Automated CTC Orders”) during the COVID-19 pandemic period.

Addressing BC's concerns, the Judiciary confirmed that they would arrange engagements with the land offices and other related agencies to clarify the Judiciary's decision and for them to accept the Automated CTC Orders.

(7) **Trials and other proceedings involving witnesses**

BC will continue to engage with the Judiciary to finalise the procedures for online trials involving witnesses to ensure that the witness who will be joining virtually is not influenced and/or tampered with in any way and the integrity of the proceedings is preserved.

Thank you.

Shahareen Begum
Secretary
Malaysian Bar