

Guidance Note for Applicants | Registration of a Foreign Lawyer to Practise in an International Partnership, a Qualified Foreign Law Firm or a Malaysian Law Firm

Under the Legal Profession Act 1976 (“Act”) and the Legal Profession (Licensing of International Partnerships and Qualified Foreign Law Firms and Registration of Foreign Lawyers) Rules (the “Rules”) made thereunder, a Foreign Lawyer may make an application under section 40J of the Act to be registered to practise in the permitted practice areas in an International Partnership (“IP”), a Qualified Foreign Law Firm (“QFLF”) or a Malaysian law firm (“MLF”).

- (1) A Foreign Lawyer intending to practise in an IP, a QFLF or a MLF shall apply to the Bar Council for a certificate of registration in Form G of the Rules.
- (2) The Foreign Lawyer should be of good reputation, possess a valid and subsisting licence to practise law in a “recognised jurisdiction”, should not be subject to any disciplinary proceedings in any jurisdiction and should have not been previously disciplined for any disciplinary offence. The Foreign Lawyer shall also not be party to any criminal or civil proceedings that may lead to disciplinary proceedings being taken against him in any jurisdiction.
- (3) The term “recognised jurisdiction” in item (2) above and which also appears in Rule (6)(3)(b) of the Rules 2014 is defined to mean:
 - (i) Jurisdictions whose universities are recognised by the Legal Profession Qualifying Board for eligibility either to practise in Malaysia or to sit for the Certificate in Legal Practice (“CLP”) examination;
 - (ii) ASEAN countries, namely Brunei Darussalam, Vietnam, Cambodia, Indonesia, Philippines, Singapore, Laos (now known as Lao People’s Democratic Republic), Thailand and Myanmar;
 - (iii) The New York Bar; and
 - (iv) Other jurisdictions as the Bar Council may approve from time to time.
- (4) The following are specifically excluded from the permitted practice areas, namely, constitutional and administrative law; conveyancing; criminal law; family law; succession law, including wills, intestacy, probate and administration; trust law where the settlor is an individual; the law relating to charities and foundations, whether the settlor is an individual or a corporation; retail banking, including corporate or commercial loans to small and medium enterprises; registration of patents and trademarks; appearing or pleading in any court of justice in Malaysia, representing a client in any proceedings instituted in such a court or giving advice, whether or not the main purpose of which is to advise the client on the conduct of such proceedings; and appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Malaysia.
- (5) The Foreign Lawyer should, in the opinion of the Bar Council, have the relevant legal expertise and experience in the permitted practice areas. For the purpose of determining whether a lawyer satisfies the period of relevant legal expertise and experience required, any period spent in attending any course, postgraduate education, articles, pupillage or similar training in the permitted practice areas will be disregarded. The permitted practice areas are defined as transactions regulated by

Malaysian law and at least one other national law, or a transaction regulated solely by any law other than Malaysian law.

For purposes of demonstrating expertise and experience in the permitted practice areas, the Foreign Lawyer shall provide the following information:

- (i) A summary of his experience and expertise in the permitted practice areas in the past 5 years, with details of the subject matter;
 - (ii) A summary of the lawyer's transactions in the permitted practice areas in the past 5 years, with details of financial values and transactional complexities;
 - (iii) The Foreign Lawyer's record or ranking as a leading lawyer in the permitted practice areas; and
 - (iv) Articles written by the lawyer on any permitted practice area for any legal publication.
- (6) Application fees for registration of a Foreign Lawyer, as stated in Rule 14 (Second Schedule) of the Rules is RM5,000.00. The applicant must ensure that the fee is paid before submitting the application and a copy of the receipt should be enclosed with the application. The method of payment is as follows:
- (i) Cheque made payable to "Malaysian Bar"; or
 - (ii) Direct deposit or Internet banking (such as Instant Transfer) to:

Bank Name:	RHB Bank Berhad
Account Name:	Malaysian Bar
Account No:	2-64188-0000521-9
Bank Address:	No.75, Jalan Tun H. S. Lee, 50000 Kuala Lumpur, Malaysia
Swift Code:	RHBBMYKL
Bank ID:	KUP00980031

Note: No refund will be made in the case of unsuccessful applications.

- (7) Upon approval of the application, the Bar Council will issue a certificate of registration in Form H of the Rules.
- (8) A certificate of registration issued shall be valid for a period of twelve (12) months from the date of its issue unless earlier revoked. The certificate of registration shall be deemed to be automatically revoked upon the Foreign Lawyer ceasing to be a partner in the QFLF/IP or upon the termination of the employment of the Foreign Lawyer by the QFLF or IP or MLF for any reason whatsoever.
- (9) The Bar Council may, on receipt of an application in writing and payment of the prescribed fee, renew the registration of the Foreign Lawyer subject to such conditions as it may impose.
- (10) The Letter / Certificate of Good Standing shall contain the following information:
 - (i) Date of admission and jurisdiction;

- (ii) Current status and years of active legal practice under the Foreign Jurisdiction & details;
- (iii) Confirmation of good character & reputation;
- (iv) Confirmation as to whether the Foreign Lawyer is subject to any legal and/or disciplinary proceedings for professional misconduct that prohibits the Foreign Lawyer from practising law (e.g., an order of suspension, struck out, disbarment); and
- (v) Confirmation as to whether the Foreign Lawyer has been adjudged/or undischarged as a bankrupt or convicted for any criminal offences which would render the applicant unfit to be a member of the legal profession, and in particular, but not limited to, an offence involving fraud or dishonesty or has been found guilty of an offence under the Malaysian Anti-Corruption Commission Act 2009 or convicted of an offence under section 15A of the Minor Offences Act 1955 or under the LPA.

(Updated on 22 July 2020)

The following format may be used as a guide for the abovementioned certificates.

CERTIFICATE OF GOOD STANDING

(Name of applicant)

I, _____ (name of signatory below) hereby
certify that

- (a) date of admission and jurisdiction;
- (b) current status and years of legal practice under the Foreign Jurisdiction & details:

Year	Place of Practice	Status
_____	_____	partner/sole proprietor/legal assistant/associate/ consultant/etc

- * (c) at the date of this certificate been issued, no disciplinary proceedings are pending or contemplated against the applicant and that his professional conduct is not under investigation; and
- * (d) there has been no record of any professional misconduct or proceedings against the applicant; or
- * (e) the applicant has a record of professional misconduct or proceedings against him/her namely:
- * (f) the applicant has not at any time been declared a bankrupt/ has been discharged a bankrupt.
- * (g) the applicant has not been convicted of a criminal offence which would render the applicant unfit to be a member of the legal profession, and in particular, but not limited to, an offence involving fraud or dishonesty.

Signature of the
President/Secretary of the
Bar/Law Association

Date

(Applicable Jurisdiction)

**Delete if inapplicable and those who have been declared a bankrupt or convicted, please give particulars for perusal of the Bar Council.*

(Updated on 20 May 2020)