



14 Julai 2017
14 July 2017
P.U. (A) 197

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

KAEDAH-KAEDAH PROFESION UNDANG-UNDANG
(PROSIDING TATATERTIB) 2017

*LEGAL PROFESSION (DISCIPLINARY PROCEEDINGS)
RULES 2017*

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PROFESION UNDANG-UNDANG 1976

KAEDAH-KAEDAH PROFESION UNDANG-UNDANG (PROSIDING TATATERTIB) 2017

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JADUAL

AKTA PROFESION UNDANG-UNDANG 1976

KAEDAH-KAEDAH PROFESION UNDANG-UNDANG (PROSIDING TATATERTIB) 2017

PADA menjalankan kuasa yang diberikan oleh seksyen 103F Akta Profesion Undang-Undang 1976 [*Akta 166*], Lembaga Tatatertib membuat kaedah-kaedah yang berikut:

BAHAGIAN I
PERMULAAN

Nama

1. Kedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Profesion Undang-Undang (Prosiding Tatatertib) 2017**.

Tafsiran

2. Dalam Kaedah-Kaedah ini—

“aduan” ertinya suatu aduan bertulis yang dibuat di bawah kaedah 4 berhubung dengan salah laku peguam bela dan peguam cara yang berkenaan;

“akuan berkanun” ertinya suatu akuan yang dibuat di bawah Akta Akuan Berkanun 1960 [*Akta 13*];

“Daftar Aduan” ertinya daftar yang disenggara dan disimpan oleh Pengarah di bawah kaedah 10;

“Daftar Aduan Ditolak” ertinya daftar yang disenggara dan disimpan oleh Pengarah di bawah kaedah 11;

“Jawatankuasa Tatatertib” ertinya Jawatankuasa yang dilantik oleh Lembaga Tatatertib di bawah seksyen 103A Akta;

“peguam bela dan peguam cara yang berkenaan” ertinya peguam bela dan peguam cara termasuk pelatih yang terhadapnya suatu aduan telah dibuat di bawah Akta;

“pengadu” ertinya mana-mana orang, sama ada sebenar atau di sisi undang-undang, yang telah membuat suatu aduan, sama ada secara sendiri atau melalui pegawainya atau seorang peguam cara, dan termasuklah Majlis Peguam, Jawatankuasa *Bar* Negeri dan orang atau badan yang dinyatakan dalam subseksyen 99(2) Akta;

“Pengarah” ertinya Pengarah Urus Setia Aduan yang dilantik di bawah seksyen 98 Akta;

“salah laku” mempunyai erti yang diberi kepadanya di bawah subseksyen 94(3) Akta.

BAHAGIAN II

ADUAN

Pengemukakan aduan

3. Semua aduan hendaklah dikemukakan kepada Pengarah berserta dengan fi pemprosesan yang ditetapkan di bawah subkaedah 5(1).

Kandungan aduan

4. (1) Suatu aduan hendaklah dibuat dalam borang yang ditetapkan dalam Jadual kecuali jika aduan itu dibuat oleh Majlis Peguam, Jawatankuasa *Bar* Negeri atau mana-mana orang atau badan yang disebut dalam subseksyen 99(2) Akta.

(2) Jika Majlis Peguam atau Jawatankuasa *Bar* Negeri adalah pengadu, aduan itu hendaklah ditandatangani oleh Pengerusi Majlis Peguam atau Pengerusi Jawatankuasa *Bar* Negeri yang berkenaan, mengikut mana-mana yang berkenaan.

(3) Walau apa pun subkaedah (1), aduan yang dibuat oleh Majlis Peguam, Jawatankuasa *Bar* Negeri atau mana-mana orang atau badan yang disebut dalam subseksyen 99(2) Akta hendaklah mengandungi butir-butir peguam bela dan peguam cara yang berkenaan dan fakta aduan yang mencukupi.

Fi pemprosesan

5. (1) Pengadu hendaklah membayar kepada Pengarah suatu jumlah sebanyak dua ratus ringgit atau apa-apa jumlah yang ditetapkan oleh Lembaga Tatatertib sebagai fi pemprosesan.

(2) Subkaedah (1) tidak terpakai jika pengadu ialah Majlis Peguam, Jawatankuasa *Bar* Negeri atau mana-mana orang atau badan yang disebut dalam subseksyen 99(2) Akta.

(3) Semua jumlah yang dibayar di bawah kaedah ini hendaklah dikreditkan ke dalam Kumpulan Wang Tatatertib dan tidak boleh dikembalikan.

(4) Walau apa pun subkaedah (1), Pengerusi Lembaga Tatatertib boleh mengetepikan semua atau sebahagian daripada pembayaran fi pemprosesan sebagaimana yang difikirkannya patut.

Had masa

6. Tiada aduan berhubung dengan kelakuan mana-mana peguam bela dan peguam cara yang berkenaan atau firma guaman boleh dikemukakan oleh pengadu selepas tamat tempoh enam tahun dari masa hak untuk membawa aduan terakru atau apabila pengadu mula mendapat tahu berkenaan dengan salah laku tersebut atau berlakunya salah laku yang terakhir yang memberi hak kepadanya untuk membuat aduan.

Kewajipan Pengarah apabila menerima aduan

7. (1) Apabila aduan diterima, Pengarah hendaklah—

(a) mengecap tarikh penerimaan aduan;

(b) memeriksa aduan untuk memuaskan hatinya bahawa kehendak kaedah 3 dan 4 telah dipatuhi; dan

(c) mendaftarkan aduan dalam Daftar Aduan.

(2) Jika pengadu tidak mematuhi kehendak kaedah 3 atau 4 atau kedua-duanya, Pengarah hendaklah dengan serta-merta menghantar suatu permintaan bertulis kepada pengadu untuk mengemukakan butir-butir yang dikehendaki.

(3) Walau apa pun subkaedah (2), jika ketidakpatuhan itu berhubung dengan ketiadaan nama atau alamat pengadu atau kedua-duanya, Pengarah hendaklah menolak aduan itu dan mencatatkan fakta itu dalam Daftar Aduan Ditolak.

(4) Pengadu hendaklah mengemukakan butir-butir yang dikehendaki itu dalam tempoh dua puluh satu hari dari tarikh penerimaan permintaan bertulis di bawah subkaedah (2).

(5) Jika pengadu tidak mematuhi kehendak subkaedah (4), Pengarah hendaklah menolak aduan itu dan merekodkan fakta itu dalam Daftar Aduan Ditolak.

(6) Pengarah hendaklah mengemukakan aduan yang didaftarkan dalam Daftar Aduan kepada Lembaga Tatatertib.

Penarikan balik aduan

8. (1) (a) Pengadu boleh, pada bila-bila masa sebelum keputusan muktamad di buat oleh Lembaga Tatatertib, memohon untuk menarik balik aduan secara bertulis kepada Pengarah.

(b) Jika aduan ditarik balik semasa perjalanan suatu pendengaran di hadapan Lembaga Tatatertib, permohonan penarikan hendaklah direkodkan oleh Pengerusi Lembaga Tatatertib.

(2) Pengerusi Lembaga Tatatertib hendaklah memaklumkan kepada Pengarah mengenai penarikan itu.

(3) Apabila menerima permohonan menarik balik secara bertulis atau pemberitahuan menarik balik daripada Pengerusi Lembaga Tatatertib di bawah subkaedah (2), Pengarah hendaklah memberitahu secara bertulis kepada Pengerusi Lembaga Tatatertib dan Pengerusi Majlis Peguam mengenai penarikan balik aduan itu dan mengemukakan sesalinan permohonan tersebut.

(4) Tertakluk kepada kaedah (9), Pengarah hendaklah merekodkan aduan itu dalam Daftar Aduan yang menyatakan aduan itu telah ditarik balik.

Pencelahan oleh Majlis Peguam

9. (1) Walau apa pun kaedah 8 dan tanpa menjejaskan haknya untuk membuat aduan atas usulnya sendiri, Majlis Peguam boleh, jika difikirkannya terdapat merit dalam aduan itu, mencelah pada bila-bila masa sebelum keputusan muktamad dibuat oleh Lembaga Tatatertib dan meneruskan aduan itu seolah-olah aduan itu telah dibuat atas usulnya sendiri.

(2) Jika Majlis Peguam memutuskan untuk mencelah dan meneruskan aduan di bawah subkaedah (1) —

(a) Pengarah hendaklah merekodkannya dalam Daftar Aduan; dan

(b) kehendak kaedah 4 hendaklah disifatkan telah dipatuhi.

(3) Jika pengadu telah menarik balik aduannya di bawah subkaedah 8(1) dan Majlis Peguam telah memutuskan untuk tidak mencelah, penarikan balik itu hendaklah menjadi suatu halangan kepada apa-apa aduan lanjut oleh pengadu yang sama atas fakta yang sama.

Daftar Aduan

10. Pengarah hendaklah menyimpan dan menyenggara suatu Daftar Aduan yang hendaklah mengandungi butir-butir yang berikut:

- (a) tarikh penerimaan aduan;
- (b) nama penuh dan nombor kad pengenalan atau passport;
- (c) alamat pengadu;
- (d) nama dan alamat peguam cara pengadu, jika ada;
- (e) nama peguam bela dan peguam cara yang berkenaan;
- (f) tarikh pelantikan Jawatankuasa Tatatertib;
- (g) tarikh penerimaan laporan dan syor Jawatankuasa Tatatertib;
- (h) tarikh dan keputusan Lembaga Tatatertib;
- (i) tarikh keputusan Lembaga Tatatertib diposkan kepada pengadu atau peguam caranya;
- (j) jika Majlis Peguam mencelah dan meneruskan aduan di bawah kaedah 9, fakta dan tarikh mengenainya; dan
- (k) tarikh keputusan Lembaga Tatatertib diposkan kepada peguam bela dan peguam cara yang berkenaan.

Daftar Aduan Ditolak

11. Pengarah hendaklah menyimpan dan menyenggara suatu Daftar Aduan Ditolak yang mengandungi butir-butir yang berikut:

- (a) tarikh penerimaan aduan;

- (b) tarikh permintaan bertulis di bawah subkaedah 7(2), jika ada; dan
- (c) sebab bagi penolakan aduan.

BAHAGIAN III PENJALANAN PROSIDING

Rekod aduan

12. (1) Pengarah hendaklah mengumpul dokumen yang berikut yang membentuk rekod aduan:

- (a) suatu salinan aduan atau apa-apa permohonan oleh Majlis Peguam di bawah subseksyen 94(4) Akta, jika ada, berserta apa-apa dokumen sokongan dan akuan berkanun;
- (b) suatu salinan penjelasan bertulis dan dokumen sokongan, jika ada, daripada peguam bela dan peguam cara yang berkenaan;
- (c) suatu salinan surat penarikan balik atau surat pencelahan, jika ada, dan
- (d) suatu salinan penjelasan lanjut dan dokumen sokongan, jika ada.

(2) Suatu salinan rekod aduan hendaklah diserahkan kepada pengadu dan peguam bela dan peguam cara yang berkenaan sebelum Jawatankuasa Tatatertib memulakan pendengarannya.

Masa dan tempat pendengaran Jawatankuasa Tatatertib

13. Jawatankuasa Tatatertib hendaklah menjalankan prosidingnya di premis Lembaga Tatatertib, Jawatankuasa *Bar* Negeri atau mana-mana tempat lain yang diluluskan oleh Lembaga Tatatertib pada tarikh dan masa yang ditetapkan oleh Pengerusi Jawatankuasa Tatatertib.

Notis pendengaran di hadapan Jawatankuasa Tatatertib

14. (1) Jika pendengaran berkenaan dengan apa-apa perkara akan diadakan oleh Jawatankuasa Tatatertib, Jawatankuasa Tatatertib hendaklah menghantar notis pendengaran kepada pengadu dan peguam bela dan peguam cara yang berkenaan atau wakilnya di sisi undang-undang, melalui pos berdaftar Akuan Terima atau penyampaian ke diri di alamat pengadu dan peguam bela dan peguam cara yang berkenaan atau wakilnya di sisi undang-undang yang terakhir diketahui.

(2) Notis di bawah subkaedah (1) hendaklah menyatakan tarikh, masa dan tempat pendengaran dan hendaklah mengikut format yang diberikan oleh Lembaga Tatatertib.

(3) Jika kad berdaftar Akuan Terima dibayar dahulu dikembalikan dan ditandakan “tidak dituntut” atau “berpindah”, Jawatankuasa Tatatertib hendaklah mendapatkan alamat semasa peguam bela dan peguam cara yang berkenaan daripada Majlis Peguam dan menghantar notis tersebut ke alamat itu.

(4) Penyerahan yang disebut dalam subkaedah (3) hendaklah disifatkan sebagai penyerahan yang mencukupi.

Tempoh masa pendengaran dan penangguhan di hadapan Jawatankuasa Tatatertib

15. (1) Jawatankuasa Tatatertib hendaklah menyempurnakan pendengaran dan menghantar laporannya dalam tempoh empat bulan dari tarikh pelantikannya.

(2) Jawatankuasa Tatatertib boleh menangguhkan pendengaran dari semasa ke semasa tanpa memberikan notis bertulis jika penangguhan diberikan dalam kehadiran pihak-pihak.

(3) Walau apa pun subkaedah (1), Pengerusi Jawatankuasa Tatatertib boleh, apabila terdapat suatu permohonan secara bertulis dibuat kepada Pengerusi Lembaga Tatatertib, memberikan tempoh pelanjutan tidak melebihi dua bulan dengan syarat terdapat alasan yang munasabah untuk berbuat demikian.

(4) Jika pendengaran tidak dapat diselesaikan dalam tempoh masa yang dirujuk dalam subkaedah (3), Pengerusi Lembaga Tatatertib boleh memberi pelanjutan masa tambahan sehingga Jawatankuasa Tatatertib selesai menjalankan pendengarannya.

(5) Masa yang diberikan kepada Jawatankuasa Tatatertib untuk menjalankan penyiasatan dan mengemukakan laporannya hendaklah disifatkan dilanjutkan dalam hal jika Majlis Peguam mencelah di bawah kaedah 9.

(6) Jika Pengerusi Lembaga Tatatertib memutuskan untuk tidak melanjutkan masa yang dinyatakan dalam subkaedah (3), beliau hendaklah melaporkan keputusannya itu kepada Lembaga Tatatertib dan Lembaga Tatatertib boleh membubarkan Jawatankuasa Tatatertib itu dan melantik Jawatankuasa Tatatertib yang baru untuk mendengar dan memutuskan aduan itu.

Ketidakhadiran pihak di hadapan Jawatankuasa Tatatertib

16. Jika pengadu atau peguam bela dan peguam cara yang berkenaan atau kedua-duanya gagal hadir di hadapan Jawatankuasa Tatatertib pada tarikh yang ditetapkan untuk pendengaran dan penyiasatan aduan, Jawatankuasa Tatatertib boleh, apabila berpuas hati bahawa kaedah 14 telah dipatuhi, meneruskan pendengaran terhadap aduan itu tanpa kehadiran orang yang berkenaan, tanpa memberi notis lanjut kepada orang itu dan membuat keputusan dan syornya kepada Lembaga Tatatertib.

Hak kepada perwakilan di sisi undang-undang

17. Dalam mana-mana pendengaran di bawah Kaedah-Kaedah ini, pengadu dan peguam bela dan peguam cara yang berkenaan berhak untuk diwakili oleh peguam bela dan peguam cara pilihannya.

Prosiding Jawatankuasa Tatatertib

18. (1) Pada permulaan pendengaran, Pengerusi hendaklah memperkenalkan ahli-ahli panel dan merekodkan nama-nama pihak yang hadir.

(2) Melainkan jika dibenarkan oleh Pengerusi, hanya pengadu, peguam bela dan peguam cara yang berkenaan dan wakil mereka di sisi undang-undang, jika ada, dibenarkan hadir sebelum keterangan diambil.

(3) Jika pengadu ialah pertubuhan perbadanan atau suatu organisasi, pengadu boleh hadir melalui wakil yang diberi kuasa.

(4) Semua keterangan hendaklah diberikan secara berasingan di bawah akuan bersumpah dan direkodkan oleh pengerusi.

(5) Pengerusi hendaklah—

(a) mengarahkan pengadu untuk mengemukakan kes dan keterangan substantif yang diberikan hendaklah direkodkan dan dokumen yang dikemukakan hendaklah ditandakan; dan

(b) Jika pengadu atau wakil tidak hadir, meneruskan dengan pendengaran kes di bawah kaedah 16 atas rekod aduan dan hendaklah memanggil peguam bela dan peguam cara berkenaan untuk menjawab aduan itu.

(6) Pada mana-mana pendengaran kes di hadapan Lembaga Tatatertib—

(a) peguam bela dan peguam cara yang berkenaan boleh memeriksa balas pengadu dan saksi-saksinya, jika ada, jika mereka telah memberikan keterangan berhubung dengan aduan itu; dan

(b) pengadu boleh memeriksa balas peguam bela dan peguam cara yang berkenaan dan saksi-saksinya, jika ada, jika mereka telah memberi keterangan berhubung dengan aduan itu.

(7) Pengerusi atau ahli Jawatankuasa boleh bertanyakan apa-apa soalan, atau meminta kehadiran mana-mana orang sebagai saksi, atau untuk mengemukakan sesuatu atau dokumen sebagaimana yang Jawatankuasa fikirkan patut dan berkaitan kepada pendengaran untuk menjelaskan apa-apa perkara yang berbangkit daripada keterangan.

(8) Setelah pengadu selesai membentangkan kesnya, Pengerusi hendaklah memanggil peguam bela dan peguam cara yang berkenaan untuk memberi maklum balas kepada aduan itu.

(9) Setelah prosiding selesai, Pengerusi boleh memanggil kedua-dua pihak untuk membuat hujahan terakhir dengan peguam bela dan peguam cara yang berkenaan membuat penghujahan yang pertama.

(10) Jika Jawatankuasa Tatatertib berniat untuk menjalankan kuasanya di bawah subseksyen 103C(2) Akta, Jawatankuasa Tatatertib hendaklah memberikan peluang lanjut kepada peguam bela dan peguam cara yang berkenaan untuk didengar mengenai perintah yang dicadangkan itu.

(11) Jika aduan itu berdasarkan tindakan berhubungan dengan wang dalam simpanan atau kawalan peguam bela dan peguam cara yang berkenaan, beban adalah terletak di atas peguam bela dan peguam cara yang berkenaan untuk memberi penjelasan yang memuaskan berhubung dengan aduan itu.

(12) Jawatankuasa Tatatertib hendaklah membuat suatu rekod berkenaan keterangan yang diberikan.

(13) Bagi maksud mengelakkan keraguan, proses prosiding tatatertib di bawah Akta disifatkan sebagai penyiasatan dalam terma seksyen 103B.

Rekod prosiding di hadapan Jawatankuasa Tatatertib

19. Jawatankuasa Tatatertib hendaklah mengumpul rekod prosiding yang mengandungi semua keterangan termasuk keterangan dokumentar yang dikemukakan dan hendaklah mengemukakan rekod prosiding berserta laporannya di bawah kaedah 21 kepada Lembaga Tatatertib.

Keputusan majoriti hendaklah disifatkan keputusan Jawatankuasa Tatatertib

20. Jika Jawatankuasa Tatatertib tidak sebulat suara atas apa-apa persoalan atau perkara untuk diputuskan, keputusan majoriti hendaklah disifatkan sebagai keputusan Jawatankuasa Tatatertib.

Laporan Jawatankuasa Tatatertib

21. (1) Laporan Jawatankuasa Tatatertib hendaklah menyatakan dapatan fakta, syor dan alasan bagi dapatan fakta dan syor tersebut.

(2) Jika—

(a) Jawatankuasa Tatatertib sebulat suara dalam dapatan faktanya atau syornya, laporan itu hendaklah ditandatangani oleh Pengerusi Jawatankuasa Tatatertib; atau

(b) Jawatankuasa Tatatertib tidak sebulat suara dalam dapatan fakta atau syornya, dapatan fakta atau syor majoriti hendaklah disifatkan sebagai dapatan fakta atau syor Jawatankuasa Tatatertib, dan alasan bagi dapatan fakta atau syor bagi ahli majoriti dan minoriti hendaklah direkodkan dan laporan itu hendaklah ditandatangani oleh semua ahli Jawatankuasa Tatatertib.

(3) Laporan Jawatankuasa Tatatertib berserta dengan rekod prosiding hendaklah dihantar kepada Pengarah dalam tempoh yang ditetapkan dalam kaedah 15.

(4) Laporan Jawatankuasa Tatatertib di bawah kaedah ini hendaklah muktamad bagi prosiding Jawatankuasa Tatatertib.

BAHAGIAN IV

PELBAGAI

Ketidakupayaan, pembatalan dan pelantikan semula ahli Jawatankuasa Tatatertib

22. (1) Selepas pelantikan ke Jawatankuasa Tatatertib, jika ahli tidak dapat menjalankan fungsi sebagai Pengerusi atau ahli Lembaga Tatatertib disebabkan sakit atau apa-apa sebab lain, Jawatankuasa Tatatertib hendaklah melaporkan perkara itu kepada Lembaga Tatatertib.

(2) Apabila menerima laporan di bawah subkaedah (1), Lembaga Tatatertib boleh membatalkan pelantikan ahli yang berkenaan.

(3) Jika mana-mana orang berhenti menjadi ahli Jawatankuasa Tatatertib oleh sebab di bawah subkaedah (1), ahli yang lain hendaklah dilantik menggantikannya dan prosiding hendaklah disambung tanpa pemberhentian melainkan Jawatankuasa Tatatertib berpandangan yang prosiding sepatutnya dimulakan secara *de novo*.

Kelewatan

23. Apa-apa kelewatan dalam pemulaan atau penyelesaian suatu pendengaran dan siasatan sama ada disebabkan oleh ketidakupayaan ahli, pelantikan ahli baru atau apa-apa sebab lain hendaklah tidak membatalkan mana-mana pendengaran yang diadakan atau apa-apa siasatan, laporan atau syor yang dibuat oleh Jawatankuasa Tatatertib, mana-mana yang berkenaan.

Kesan ketidakpatuhan dan salah aturan tidak membatalkan prosiding

24. Jika pada mana-mana peringkat, dalam perjalanan suatu prosiding atau yang berkaitan dengan mana-mana prosiding, akibat daripada sesuatu yang dilakukan atau gagal dilakukan, berlakunya kegagalan mematuhi kehendak Kaedah-Kaedah ini, kegagalan itu hendaklah dianggap sebagai suatu salah aturan dan tidak boleh membatalkan prosiding itu, apa-apa langkah yang diambil dalam prosiding itu atau apa-apa dapatan, arahan atau keputusan yang telah dibuat melainkan jika ketidakpatuhan itu telah menyebabkan ketidakadilan.

Penandatanganan notis pendengaran dan persuratan lain

25. Notis pendengaran di hadapan Jawatankuasa Tatatertib dan persuratan lain yang berkaitan hendaklah ditandatangani oleh Pengerusi Jawatankuasa Tatatertib atau mana-mana ahli Jawatankuasa Tatatertib yang diberi kuasa oleh Pengerusi Jawatankuasa Tatatertib.

Penyampaian dokumen

26. Tertakluk kepada kaedah 14, jika apa-apa dokumen dikehendaki disampaikan kepada pengadu atau peguam bela dan peguam cara yang berkenaan, firma guaman atau wakil mereka di sisi undang-undang di bawah Kaedah-Kaedah ini, ia hendaklah disampaikan dengan menghantarnya melalui pos berdaftar Akuan Terima dibayar dahulu atau perakuan pengeposan kepada pengadu atau peguam bela dan peguam cara yang berkenaan, atau wakil mereka di sisi undang-undang di alamat yang terakhir diketahui, mengikut mana yang berkenaan.

Kematian

27. (1) Jika peguam bela dan peguam cara yang berkenaan meninggal dunia sebelum prosiding terhadapnya tamat, aduan tersebut hendaklah tergugur tanpa menjejaskan apa-apa remedi sivil yang boleh dibawa oleh pengadu terhadap harta pusaka peguam bela dan peguam cara yang meninggal dunia itu.

(2) Jika pengadu meninggal dunia sebelum prosiding itu tamat, aduan itu tidak akan tergugur tetapi ia boleh diteruskan oleh waris *kadim* atau wakil di sisi undang-undang pengadu.

(3) Sekiranya waris *kadim* atau wakil persendirian di sisi undang-undang tidak memberi maklum balas dalam tempoh tiga bulan selepas diberitahu oleh Pengarah akan hak mereka untuk meneruskan prosiding, Pengarah hendaklah merujuk aduan itu kepada Majlis Peguam dan Majlis Peguam boleh mencelah dan meneruskan aduan itu.

Kuasa memberi arahan

28. Lembaga Tatatertib boleh memberikan arahan kepada Jawatankuasa Tatatertib bagi perkara yang berkaitan dengan prosedur sebagaimana yang difikirkannya sesuai.

Kecualian dan peralihan

29. (1) Semua prosiding yang masih belum selesai di hadapan Jawatankuasa Tatatertib sebelum tarikh mula berkuat kuasanya Kaedah-Kaedah ini hendaklah dikendalikan dan dilupuskan menurut Kaedah-Kaedah Profesion Undang-Undang (Prosiding Tatatertib) (Tribunal Penyiasatan dan Jawatankuasa Tatatertib) 1994 [*P.U. (A) 189/1994*].

(2) Semua aduan yang masih belum selesai di hadapan Lembaga Tatatertib dan aduan-aduan yang dirujuk kepada Jawatankuasa Tatatertib yang berkenaan dengannya prosiding belum dimulakan pada tarikh mula berkuat kuasanya Kaedah-Kaedah ini, hendaklah dikendalikan dan dilupuskan menurut Kaedah-Kaedah ini.

Pembatalan

30. Kaedah-Kaedah Profesion Undang-Undang (Prosiding Tatatertib) (Tribunal Penyiasatan dan Jawatankuasa Tatatertib) 1994 [*P.U. (A) 189/1994*] dibatalkan.

JADUAL
[Subkaedah 4(1)]

ADUAN

Kepada:

Pengarah Urus Setia Aduan
Lembaga Tatatertib Peguam Bela dan Peguam Cara
Tingkat 8 dan 9, Wisma Maran
28, Medan Pasar
50050 Kuala Lumpur

1. Butir-butir pengadu

1.1. Nama penuh (seperti yang dinyatakan di dalam Kad Pengenalan/Pasport):

1.2. Alamat rumah:

Alamat e-mel: _____

No. Telefon: _____ No. Telefon Bimbit: _____

Majikan: _____

1.3. Alamat pejabat:

No. Telefon: _____

1.4 Alamat surat menyurat semasa:

1.5 Nama orang yang boleh dihubungi:

Alamat:

No. Telefon: _____

1.6 Maklumat peguam bela dan peguam cara yang mewakili pengadu (jika ada):

1.7 Butir-butir pembayaran yuran pemprosesan. Sila tandakan di ruangan yang bersesuaian.

<input type="checkbox"/> No. Cek: _____ Bank: _____
<input type="checkbox"/> No. Kiriman Wang Pos: _____
<input type="checkbox"/> Wang Tunai: _____

1.8 Sila nyatakan sama ada anda atau mana-mana orang lain ada mengemukakan aduan kepada Lembaga Tatatertib berdasarkan fakta yang sama/berkaitan. Jika ya, sila nyatakan no. aduan

2. Butir-butir peguam bela dan peguam cara yang berkenaan dan/atau firma guaman

2.1 Nama penuh peguam bela dan peguam cara yang berkenaan dan/atau firma guaman:

2.2 Nama dan alamat firma ketika salah laku yang didakwa berlaku:

2.3 Nama firma dan alamat terkini jika berbeza daripada 2.2:

Pekan/Bandar: _____

Negeri: _____

No.Telefon: _____

2.4 Bilakah anda melantik peguam bela dan peguam cara dan/atau firma guaman (jika berkenaan)?

2.5 Apakah arahan anda kepada peguam bela dan peguam cara dan/atau firma guaman?

Sila gunakan lembaran berasingan sekiranya ruangan ini tidak mencukupi.

2.6 Sila nyatakan butir-butir aduan anda. Sila rujuk Lampiran "A" sebagai panduan.

Sila gunakan lembaran berasingan sekiranya ruangan ini tidak mencukupi.

2.7 Senarai dokumen yang mesti dilampirkan:

(a) Akuan Berkanun pengadu yang diikrarkan di hadapan Pesuruhjaya Sumpah mengesahkan butir-butir aduan;

(b) sesalinan kad pengenalan/pasport; dan

(c) cek atau kiriman wang pos.

2.8 Dokumen-dokumen sokongan lain:

(1) _____

(2) _____

(3) _____

2.9 Tandatangan pengadu: _____

Tarikh: _____

Sila kembalikan borang yang telah dilengkapkan dengan sewajarnya dan semua dokumen yang perlu dilampirkan dalam tiga (3) salinan kepada:

Pengarah Urus Setia Aduan

Lembaga Tatatertib Peguam Bela dan Peguam Cara

Tingkat 8 dan 9, Wisma Maran

28, Medan Pasar

50050 Kuala Lumpur

Telefon: (603) 2034 1911

Faks : (603) 2031 2163

E-mel : secretariat@asdb.org.my

LAMPIRAN "A"

Contoh-contoh salah laku peguam bela dan peguam cara yang boleh diambil tindakan tatatertib

- A. Disabitkan kesalahan jenayah.
- B. Pelanggaran kewajipan terhadap Mahkamah.
- C. Curang atau tindakan penipuan.
- D. Pelanggaran amalan professional dan peraturan etika di bawah Akta Profesion Undang-Undang 1976.
- E. Seorang bankrap dan bersalah melakukan apa-apa perbuatan yang disebut di bawah perenggan 33(6)(a)-(f), (h), (k) atau (i) Akta Kebankrapan 1967.
- F. Memberikan suapan bagi mendapatkan pekerjaan dalam apa-apa urusan perundangan.
- G. Mendapatkan atau cuba mendapatkan pekerjaan bagi dirinya sendiri atau peguam bela dan peguam cara yang lain melalui atau atas arahan orang yang kepadanya saraan untuk mendapatkan pekerjaan tersebut telah dipersetujui.
- H. Menarik langganan.
- I. Membenarkan individu yang tidak berkelayakan menjalankan urusan perundangan atas namanya tanpa penyeliaannya secara langsung.
- J. Menjalankan pekerjaan lain yang tidak bersesuaian dengan profesion perundangan atau bekerja untuk ganjaran.
- K. Pelanggaran Akta Profesion Undang-Undang 1976 atau apa-apa arahan yang dibuat oleh Majlis Peguam.

- L. Dibatalkan daripada daftaraai peguam, digantung atau dicela oleh Majlis Peguam asing atau melakukan perbuatan salah laku di luar negara.
- M. Mengenakan fi atau kos yang berlebihan.
- N. Mengabaikan secara melampau kepentingan anak guam.
- O. Kelakuan tidak sepadan dengan imej seorang peguam bela dan peguam cara.
- P. Menjalankan amalan tanpa Sijil Tahunan.
- Q. Kelakuan curang berkaitan dengan kewangan.

Dibuat 30 Mei 2017

[DC Rules 2015/11/2015/rkjs; PN(PU2)314/XIV]

DATUK DR. ABDUL RAMAN BIN HAJI SAAD
Pengerusi Lembaga Disiplin

LEGAL PROFESSION ACT 1976

LEGAL PROFESSION (DISCIPLINARY PROCEEDINGS) RULES 2017

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SCHEDULE

LEGAL PROFESSION ACT 1976

LEGAL PROFESSION (DISCIPLINARY PROCEEDINGS) RULES 2017

IN exercise of the powers conferred by section 103F of the Legal Profession Act 1976 [*Act 166*], the Disciplinary Board makes the following rules:

PART I

PRELIMINARY

Citation

1. These rules may be cited as the **Legal Profession (Disciplinary Proceedings) Rules 2017**.

Interpretation

2. In these Rules—

“complaint” means a written complaint made under rule 4 relating to the misconduct of the advocate and solicitor concerned;

“statutory declaration” means a declaration made under the Statutory Declaration Act 1960 [*Act 13*];

“Complaints Register” means a register maintained and kept by the Director under rule 10;

“Rejected Complaints Register” means a register maintained and kept by the Director under rule 11;

“Disciplinary Committee” means the Committee appointed by the Disciplinary Board under section 103A of the Act;

“advocate and solicitor concerned” means the advocate and solicitor including a pupil against whom a complaint has been made under the Act;

“complainant” means any person, whether natural or legal, who has made a complaint, whether personally or through its officer or a solicitor, and includes the Bar Council, State Bar Committee and the person or body enumerated in subsection 99(2) of the Act;

“Director” means the Director of the Complaints Secretariat appointed under section 98 of the Act;

“misconduct” has the meaning assigned to it under subsection 94(3) of the Act.

PART II COMPLAINTS

Lodgment of complaints

3. All complaints shall be lodged to the Director accompanied with the processing fee prescribed under subrule 5(1).

Contents of complaints

4. (1) A complaint shall be made in the prescribed form as specified in the Schedule except if the complaint is made by the Bar Council, a State Bar Committee or any person or bodies mentioned in subsection 99(2) of the Act .

(2) Where the Bar Council or a State Bar Committee is the complainant, the complaint shall be signed by the Chairman of the Bar Council or the Chairman of the State Bar Committee concerned, as the case may be.

(3) Notwithstanding subrule (1), the complaint made by the Bar Council, a State Bar Committee or any person or bodies mentioned in subsection 99(2) of the Act shall contain sufficient particulars of the advocate and solicitor concerned and the facts of the complaint.

Processing fee

5. (1) A complainant shall pay to the Director the sum of two hundred ringgit or such other sum as the Disciplinary Board may determine as a processing fee.

(2) Subrule (1) shall not apply where the complainant is the Bar Council, a State Bar Committee or any person or bodies mentioned in subsection 99(2) of the Act.

(3) All sums paid under this rule shall be credited into the Discipline Fund and shall not be refundable.

(4) Notwithstanding subrule (1), the Chairman of the Disciplinary Board may waive the whole or part of the payment of the processing fee as he thinks fit.

Limitation period

6. No complaint relating to the alleged misconduct of any advocate and solicitor concerned or the legal firm shall be lodged by the complainant after the expiration of six years from the time when the right to bring the complaint accrued or when the complainant first became aware of the act or the last of the acts complained of had occurred entitling him to lodge a complaint.

Duty of Director on receipt of complaint

7. (1) Upon receipt of a complaint, the Director shall—

(a) stamp the date of its receipt on the complaint;

(b) scrutinise the complaint to satisfy himself that the requirements of rules 3 and 4 have been complied with; and

(c) register the complaint in the Complaints Register.

(2) Where the complainant has not complied with the requirements of rule 3 or rule 4 or both, the Director shall forthwith send a written request to the complainant to submit the particulars required.

(3) Notwithstanding subrule (2), if the non-compliance is in relation to the omission of the name or address of the complainant or both, the Director shall reject the complaint and record such fact in the Rejected Complaints Register.

(4) The complainant shall submit the particulars required within twenty-one days from the date of receipt of the written request under subrule (2).

(5) Where the complainant fails to comply with the requirement of subrule (4), the Director shall reject the complaint and record it in the Rejected Complaints Register.

(6) The Director shall forward the complaint registered in the Complaints Register to the Disciplinary Board.

Withdrawal of complaints

8. (1) (a) A complainant may, at any time before a final decision is made by the Disciplinary Board, apply to withdraw the complaint in writing to the Director.

(b) If the complaint is withdrawn during the course of a hearing before a Disciplinary Committee, the application of withdraw shall be recorded by the Chairman of the Disciplinary Committee.

(2) The Chairman of the Disciplinary Committee shall notify the Director of the said withdrawal.

(3) Upon receipt of an application of withdrawal in writing or notification of withdrawal from the Chairman of the Disciplinary Committee under subrule (2), the Director shall inform the Chairman of the Disciplinary Board and the Chairman of the Bar Council in writing of the withdrawal of the complaint and submit a copy of the application of withdrawal.

(4) Subject to rule 9, the Director shall record such complaint in the Complaints Register that the complaint has been withdrawn.

Intervention by Bar Council

9. (1) Notwithstanding rule 8 and without prejudice to its right to make a complaint of its own motion, the Bar Council may, if it considers there is merit in the complaint, intervene at any time before the final decision is made by the Disciplinary Board and proceed with the complaint as if it was made of its own motion.

(2) Where the Bar Council decides to intervene and proceed with a complaint under subrule (1)—

(a) the Director shall record it in the Complaints Register; and

(b) the requirements of rule 4 shall be deemed to be satisfied.

(3) Where the complainant has withdrawn his complaint under subrule 8(1) and the Bar Council has decided not to intervene, the withdrawal shall constitute a bar to any further complaint by the same complainant on the same facts.

Complaints Register

10. The Director shall keep and maintain a Complaints Register which shall contain the following particulars:

(a) the date of receipt of a complaint;

(b) the full name and the identity card or passport number of the complainant;

(c) the address of the complainant;

(d) the name and address of the complainant's solicitor, if any;

- (e)* the name of the advocate and solicitor concerned;
- (f)* the date of appointment of the Disciplinary Committee;
- (g)* the date of receipt of the report and recommendations of the Disciplinary Committee;
- (h)* the date and decision of the Disciplinary Board;
- (i)* the date the Disciplinary Board's decision is posted to the complainant or his solicitor;
- (j)* where the Bar Council intervenes and proceeds with a complaint under rule 9, the fact and the date thereof; and
- (k)* the date the Disciplinary Board's decision is posted to the advocate and solicitor concerned.

Rejected Complaints Register

11. The Director shall keep and maintain a Rejected Complaints Register which shall contain the following particulars:

- (a)* the date of receipt of a complaint;
- (b)* the date of the written request under subrule 7(2), if any; and
- (c)* the reason for the rejection of the complaint.

PART III
CONDUCT OF PROCEEDINGS

Record of complaint

12. (1) The Director shall compile the following documents which constitute the record of a complaint:

- (a) a copy of the complaint or any application made by the Bar Council under subsection 94(4) of the Act, if any, together with any supporting document and statutory declaration;
- (b) a copy of the written explanation and supporting document, if any, from the advocate and solicitor concerned;
- (c) a copy of the letter of withdrawal or letter of intervention, if any, and
- (d) a copy of further letter of explanation and supporting document, if any.

(2) A copy of the record of complaint shall be served to the complainant and the advocate and solicitor concerned before the Disciplinary Committee commences its inquiry.

Time and place of Disciplinary Committee hearing

13. The Disciplinary Committee shall conduct its proceedings at the premises of the Disciplinary Board, State Bar Committee or at such other place as approved by the Disciplinary Board on such date and at such time as the Chairman of the Disciplinary Committee may appoint.

Notice of hearing before Disciplinary Committee

14. (1) Where a hearing in respect of any matter is to be held by the Disciplinary Committee, the Disciplinary Committee shall send a notice of the hearing to

the complainant and the advocate and solicitor concerned or their legal representatives, by prepaid A.R. registered post or personal service to the last known address of the complainant and the advocate and solicitor concerned or their legal representatives.

(2) A notice under subrule (1) shall specify the date, time and place of the hearing and shall be in the form or manner as determine by the Disciplinary Board.

(3) Where the prepaid A.R. registered card is returned and marked “unclaimed” or “shifted”, the Disciplinary Committee shall obtain the current address of the advocate and solicitor concerned from the Bar Council and send the notice of the hearing to the address.

(4) The service mentioned in subrule (3) shall be deemed to be sufficient service.

Time frame for hearing and adjournments before Disciplinary Committee

15. (1) The Disciplinary Committee shall complete the hearing and submit the report within four months from the date of its appointment.

(2) The Disciplinary Committee may adjourn the hearing from time to time without giving a written notice if the adjournment is granted in the presence of the parties.

(3) Notwithstanding subrule (1), the Chairman of the Disciplinary Committee may, upon an application in writing to the Chairman of the Disciplinary Board, grant a period of extension not exceeding two months provided that there are reasonable grounds to do so.

(4) Where the hearing cannot be concluded within the period as referred to in subrule (3), the Chairman of the Disciplinary Board may grant further extensions until the Disciplinary Committee concludes its hearing.

(5) The time for the Disciplinary Committee to conduct its inquiry and submit its report shall be deemed extended in cases where the Bar Council has intervened under rule 9.

(6) Where the Chairman of the Disciplinary Board decides not to extend the period mentioned in subrule (3), he shall report to the Disciplinary Board of his decision and the Disciplinary Board may then dissolve the Disciplinary Committee and appoint a new Disciplinary Committee to hear and decide upon the complaint.

Absence of parties before Disciplinary Committee

16. Where the complainant or the advocate and solicitor concerned or both fail to appear before the Disciplinary Committee on the date fixed for the hearing of the complaint, the Disciplinary Committee may, upon being satisfied that rule 14 has been complied with, proceed to hear the complaint in the absence of such person, without further notice to such person and make its determinations and recommendations to the Disciplinary Board.

Right to legal representation

17. At any hearing under these Rules, the complainant and the advocate and solicitor concerned shall have the right to be represented by an advocate and solicitor of his choice.

Proceedings of the Disciplinary Committee

18. (1) At the commencement of the hearing, the Chairman shall introduce the members of the panel and record the names of all parties present.

(2) Unless permitted by the Chairman, only the complainant, the advocate and solicitor concerned and their respective legal representatives, if any, shall be present before evidence is taken.

(3) Where the complainant is a body corporate or an organisation, the complainant may appear through an authorised representative.

(4) All evidence shall be given separately under oath administered and recorded by the chairman.

(5) The Chairman shall—

(a) direct the complainant to present his case and the substance of the evidence given shall be recorded and the documents tendered shall be marked; and

(b) If the complainant or his legal representative is absent, proceed with the hearing under rule 16 on the record of complaint and shall call upon the advocate and solicitor concerned to respond to the complaint.

(6) At any hearing before the Disciplinary Committee—

(a) the advocate and solicitor concerned may cross-examine the complainant and his witnesses, if any, where they have given their evidence in relation to the complaint; and

(b) the complainant may cross-examine the advocate and solicitor concerned and his witness, if any, where they have given their evidence in relation to the complaint.

(7) The Chairman or members of the Committee may ask any question, or request the attendance of any person as a witness, or for the production of anything or documents as the Committee may reasonably consider relevant to the inquiry to clarify any matter arising out of the evidence.

(8) At the close of the complainant's case, the Chairman shall call upon the advocate and solicitor concerned to respond to the complaint.

(9) At the close of the proceedings, the Chairman may call upon the parties to make their final submissions, with the advocate and solicitor concerned making the first submission.

(10) Where the Disciplinary Committee intends to exercise its powers under subsection 103C(2) of the Act, the Disciplinary Committee shall accord to the advocate and solicitor concerned further opportunity to be heard on the proposed order.

(11) Where the complaint is based on the conduct relating to monies in the custody or control of the advocate and solicitor concerned, the burden shall be on the advocate and solicitor concerned to provide a satisfactory explanation in relation to the complaint.

(12) The Disciplinary Committee shall make a record of the evidence given to it.

(13) For purposes of avoidance of doubt, the disciplinary process under the Act is deemed to be inquisitorial within the terms of section 103B.

Record of proceedings before Disciplinary Committee

19. The Disciplinary Committee shall compile a record of proceedings consisting of all evidence including documentary evidence tendered and shall submit the record of the proceedings together with its report under rule 21 to the Disciplinary Board.

Decision of majority to be deemed decision of Disciplinary Committee

20. Where the Disciplinary Committee is not unanimous on any question or matter to be determined, the decision of the majority shall be deemed to be the decision of the Disciplinary Committee.

Report of Disciplinary Committee

21. (1) The report of the Disciplinary Committee shall state the findings of fact, recommendations and reasons for the findings of fact and recommendations.

(2) Where—

- (a) the Disciplinary Committee is unanimous in its findings of fact or recommendations, the report shall be signed by the Chairman of the Disciplinary Committee; or
- (b) the Disciplinary Committee is not unanimous in its findings of fact or recommendations, the findings of fact or recommendations of the majority shall be deemed to be the findings of fact or recommendations of the Disciplinary Committee, and reasons for the findings of fact or recommendations of the majority and minority members shall be recorded and the report shall be signed by all members of the Disciplinary Committee.

(3) The report of the Disciplinary Committee together with the record of the proceedings shall be sent to the Director within the time stipulated in rule 15.

(4) A report of the Disciplinary Committee under this rule shall be conclusive of the proceedings of the Disciplinary Committee.

PART IV MISCELLANEOUS

Incapacity, revocation and reappointment of a Disciplinary Committee member

22. (1) After the appointment to the Disciplinary Committee, where a member is unable to discharge his function as Chairman or member of the Disciplinary Committee due to illness or any other cause, the Disciplinary Committee shall report that fact to the Disciplinary Board.

(2) Upon receipt of a report under subrule (1), the Disciplinary Board may revoke the appointment of the member concerned.

(3) Where any person ceases to be a member of the Disciplinary Committee by reason under subrule (1), another member shall be appointed in his place and the proceedings shall continue without abatement unless the Disciplinary Committee is of the opinion that the proceedings should commence *de novo*.

Delay

23. Any delay in the commencement or completion of any hearing and inquiry whether caused by the incapacity of a member, by the appointment of a new member or for any other reason shall not render void any hearing held or any inquiry, report or recommendation made by the Disciplinary Committee, as the case may be.

Effect of non-compliance and irregularities not to vitiate proceedings

24. If at any stage in the course of or in connection with any proceedings, by reason of anything done or undone, there has been a failure to comply with any of the requirements of these Rules, the failure shall be treated as an irregularity and shall not nullify the proceedings, any step taken in the proceedings or any finding, direction or decision made unless such non-compliance has occasioned a miscarriage of justice.

Signing of notice of hearing and other correspondence

25. A notice of hearing before the Disciplinary Committee and any other written correspondence connected therewith shall be signed by the Chairman of the Disciplinary Committee or any other member of the Disciplinary Committee authorized by the Chairman of the Disciplinary Committee.

Service of documents

26. Subject to rule 14, where any document is required to be served on the complainant or on the advocate and solicitor concerned, the legal firm or their legal representatives under these Rules, it shall be served by sending it by A.R. prepaid registered post or certificate of posting to the last known address of the complainant or the advocate and solicitor concerned, or their legal representatives, as the case may be.

Death

27. (1) Where the advocate and solicitor concerned dies before the conclusion of the proceedings against him, the complaint shall abate without prejudice to any civil remedies that the complainant may have against the estate of the deceased advocate and solicitor.

(2) Where the complainant dies before the conclusion of the proceedings, the complaint shall not abate but it may be continued by the next of kin or legal personal representatives of the complainant.

(3) If the next of kin or the legal personal representatives do not respond within three months of being notified by the Director of their right to continue with the proceedings, the Director shall refer the complaint to the Bar Council and the Bar Council may intervene and proceed with the complaint.

Power to give directions

28. The Disciplinary Board may give such directions to the Disciplinary Committee on matters of procedure as the Disciplinary Board thinks fit.

Savings and transitional

29. (1) All proceedings pending before the Disciplinary Committee prior to the date of coming into operation of these Rules shall be dealt with and disposed of in accordance with the Legal Profession (Disciplinary Proceedings) (Investigating Tribunal and Disciplinary Committee) Rules 1994 [*P.U. (A) 189/1994*].

(2) All complaints pending before the Disciplinary Board and complaints referred to the Disciplinary Committee in respect of which proceedings have not commenced as of the date of the coming into operation of these Rules, shall be dealt with and disposed of in accordance with these Rules.

Revocation

30. The Legal Profession (Disciplinary Proceedings) (Investigating Tribunal and Disciplinary Committee) Rules 1994 [*P.U. (A) 189/1994*] is revoked.

SCHEDULE
[Subrule 4(1)]

COMPLAINT

To:

Director of Complaints Secretariat
Advocates & Solicitor Disciplinary Board
8th & 9th Floor, Wisma Maran
28, Medan Pasar
50050 Kuala Lumpur

1. Particulars of the Complainant:

1.1 Full name (as stated in the Identity Card/Passport):

1.2 Home address:

E-mail address: _____

Telephone No.: _____ Mobile No.: _____

Employer: _____

1.3 Office address:

Telephone No.: _____

1.4 Current correspondence address:

1.5 Name of contact person:

Address:

Telephone No.: _____

1.6 Particulars of the advocate and solicitor representing the complainant (if any):

1.7 Particulars of payment for processing fees. Please tick at the appropriate column.

<input type="checkbox"/> Cheque No.: _____ Bank: _____
<input type="checkbox"/> Money order No.: _____
<input type="checkbox"/> Cash: _____

1.8 Please state whether you or any other person have lodged a complaint to the Disciplinary Board based on similar/related facts. If yes, please state the complaint no.

2. Particulars of the advocate and solicitor concerned and/or the legal firm

2.1 Full name of the advocate and solicitor concerned and/or the legal firm:

2.2 Name and address of the firm at the time the alleged misconduct occurred:

2.3 Name and current address of the firm if different from 2.2:

Town/City: _____

State: _____

Telephone No.: _____

2.4 When did you appoint the advocate and solicitor and/or the legal firm (if applicable)?

2.5 What were your instructions to the advocate and solicitor and/or the legal firm?

Please use a separate sheet if the allocated space is not sufficient.

2.6 Please set out the details of your complaint. Please refer to Annexure "A" for reference.

Please use a separate sheet if the allocated space is not sufficient.

2.7 List of documents that must be attached:

(a) the Statutory Declaration of the complainant affirmed before a Commissioner for Oaths verifying the fact of the complaint;

(b) a copy of identity card/passport; and

(c) cheque or money order.

2.8 Other supporting documents:

(1) _____

(2) _____

(3) _____

2.9 Complainant's signature: _____

Date: _____

Please return the duly completed form and all the supporting documents mentioned in three (3) sets to:

Director of Complaints Secretariat
Advocates & Solicitor Disciplinary Board
8th & 9th Floor, Wisma Maran
28, Medan Pasar
50050 Kuala Lumpur
Phone: (603) 2034 1911
Fax : (603) 2031 2163
E-mail: secretariat@asdb.org.my

Example of breaches where disciplinary action can be taken against
an advocate and solicitor

- A. Conviction of a criminal offence.
- B. Breach of duty to the Court.
- C. Dishonest or fraudulent conduct.
- D. Breach of professional practice and etiquette rules made under the Legal Profession Act 1976.
- E. A bankrupt and guilty of any acts mentioned in paragraph 33(6)(a)-(f), (h), (k) or (i) of the Bankruptcy Act 1967.
- F. Giving gratification to procure employment in any legal business.
- G. Procuring or attempting to procure the employment of himself or any other advocate and solicitor through or by instruction of the persons to whom any remuneration for obtaining such employment has been agreed.
- H. Touting.
- I. Allow an unqualified person to carry out legal business in his name without his direct supervision.
- J. Involved in other employment incompatible with the legal profession or being employed for reward.
- K. Breach of Legal Profession Act 1976 or any ruling made by the Bar Council.

- L. Struck off, suspended, or censured by a foreign Bar Council or guilty of misconduct in a foreign jurisdiction.
- M. Charging excessive fees or costs.
- N. Gross disregard of client's interest.
- O. Unbefitting conduct with the image as an advocate and solicitor.
- P. Practising without a Sijil Annual.
- Q. Monetary dishonesty.

Made 30 May 2017

[DC Rules 2015/11/2015/rkjs; PN(PU2)314/XIV]

DATUK DR. ABDUL RAMAN BIN HAJI SAAD
Chairman Disciplinary Board