



AD HOC COMMITTEE ON THE COMMON BAR COURSE

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Sowing for the future of the legal profession – the Malaysian Common Bar Course

BC set up the Ad Hoc Committee on the Common Bar Course (“CBC Committee”) in 2008 to draft the Common Bar Course (“CBC”) syllabus and course content. The CBC Committee completed its work and its proposals are now being considered by the Legal Profession Qualifying Board. An announcement on the commencement of CBC will be made soon.

The CBC Committee had two meetings in 2010 and one on 28 Jan 2011 at Taylor’s University. We expect to have another meeting before we complete our term in March 2011.

Briefly, some of the key features of CBC are as follows:

- (1) CBC is to be the ultimate filter for entry into the legal profession;
- (2) It is to be the single entry point into the legal profession in Malaysia, regardless of undergraduate qualifications (subject to recognition by the Legal Profession Qualifying Board) and regardless of whether the student-at-law intends to enter private practice or the public sector (eg AGC);
- (3) The emphasis of CBC will be on skills/practical training (as opposed to testing on legal knowledge only), and it will be vocational in nature;
- (4) CBC embraces the modern approaches to professional legal education in other Commonwealth jurisdictions (eg the UK, Australia, New Zealand, Canada, Hong Kong and Singapore) and combines them with local requirements;
- (5) It is to prepare students-at-law for the first two years of legal practice;
- (6) Students-at-law may fashion their training to their choice of practice. They can therefore choose to be an advocate (litigation) or a solicitor (non-litigation) or both (by choice of electives); and
- (7) CBC will also deal with some of the inherent weaknesses in training during pupillage.

CBC will be structured thus:

- (1) The course will run for five semesters over a period of 20 months (84 credit hours);
- (2) The first three semesters will entail full time study and cover compulsory subjects. The emphasis will be on aptitude, basic legal skills and core areas of practice;
- (3) The first three semesters (which are considered the bedrock of legal practice) will have a stringent assessment system to sieve out those who do not possess the requisite qualities/skills;
- (4) There will be a “Student Law Office Programme” (second and third semesters) to simulate the legal environment in a small law firm;
- (5) The fourth and fifth semesters will be part time, with a combination of compulsory and elective subjects. At this point, students-at-law may tailor their training to meet their choice of practice; and
- (6) Pupillage is to run concurrently with the fourth and fifth semesters. This is to enable peer learning and deal with the shortcomings of pupillage.

The subjects covered in the respective semesters are:

(1) Semester 1: Introduction to Malaysian Legal Practice

- (a) Practical Aspects of Malaysian Law (eg Federal Constitution/dual jurisdiction/principal statutes);
- (b) Legal Interpretation Skills: Constitution, Statutes and Case Law; and
- (c) Practice Management Skills (opening a law practice, risk management, solicitors undertaking).

(2) Semester 2: Legal Aptitude/Ethics and Practical Skills

- (a) Legal Language and Communication Skills (including Information Technology skills);
- (b) Lawyering Skills (eg techniques of analysis and Practical Legal Research);
- (c) Legal Ethics and Professionalism (the LPA and the Legal Profession (Practice and Etiquette) Rules 1978);
- (d) Business and Solicitors Accounts;
- (e) Interviewing and Client Counselling Skills;
- (f) Opinion Writing; and
- (g) Student Law Office Programme.

(3) Semester 3: Core Subjects I

- (a) Civil Procedure;
- (b) Criminal Procedure;
- (c) Drafting Skills (pleadings, interlocutory applications and affidavits);
- (d) Evidence;
- (f) Real Property Practice (basic practical conveyancing);
- (g) Commercial and Corporate Practice (drafting contracts, setting up companies and other business structures); and
- (h) Student Law Office Programme.

(4) Semester 4: Core Subjects II/Electives I

- (a) Compulsory subjects
 - (i) Introduction to Advocacy;
 - (ii) Negotiation Skills; and
 - (iii) Alternative Dispute Resolution: Mediation.
- (b) Electives (Choose four)
 - (i) Advanced Evidence;
 - (ii) Advanced Civil Procedure;

- (iii) Advanced Criminal Procedure;
- (iv) Advanced Real Property Practice;
- (v) Advanced Corporate and Commercial Practice;
- (vi) Wills and Probate Practice;
- (vii) Insolvency Practice; and
- (viii) Family Law Practice.

(5) Semester 5: Core Subjects III/Electives II

- (a) Compulsory subjects
 - (i) Remedies; and
 - (ii) Execution/Enforcement Proceedings.
- (b) Electives (Choose five)
 - (i) Administrative Law Practice;
 - (ii) Advocacy in Criminal Law;
 - (iii) Industrial Law Practice;
 - (iv) Intellectual Property Law Practice;
 - (v) Human Rights Litigation;
 - (vi) Alternative Dispute Resolution: Arbitration; and
 - (vii) Introduction to Islamic Banking and Finance.

In the 2010/2011 term, briefings on the proposed CBC were conducted by the Council of Deans of Universities, the Faculty of Law of *Universiti Malaya* and the Faculty of Law of the Islamic International University of Malaysia.

On 14 Jan 2011, the CBC Committee convened a joint consultative meeting with representatives of various public universities, public law colleges, Legal Profession Qualifying Board and AGC. There was a beneficial exchange of views on the CBC and its implementation at the meeting, which was also attended by YA Datuk Wahab Patail, Chairman of the Legal Profession Qualifying Board. A second meeting will be held in March 2011.

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Chairperson

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