



SUB-COMMITTEE REPORT

CIVIL LAW COURT LIAISON



Vishnu Kumar

Chairperson	:	Vishnu Kumar
Members	:	Kaiser Thomas Johanna Solomon Eugene Roy Joseph Rajinder Kaur Suraeisan ST Mani
Ex-officio	:	Kanarasan Ghandinesen Tejindarpal Kaur

The primary objective of the Civil Law Sub-Committee remains the same i.e. to assist, to attend and to raise lawyers' grievances in the area of civil practice.

Needless to say to deal with such matters, a fact finding exercise is necessary to ensure lawyers' grievances can be dealt with properly, including personal observation in the Civil Courts & Registry for the purpose of gathering information & evidence.

This Sub-Committee never wavered from its task. Each issue brought to our attention is dealt with expeditiously. With the resolute backing of the Committee, this Sub-Committee is able to function and address issues faced by Selangor lawyers in the Civil Courts. One such issue is e-filing at the Shah Alam Court.

The e-filing system tends to go off-line or at times slow. When this issue was brought to my attention, we personally investigated the problem. To make matters worse is the Court's inaction to implement a back-up system when the system goes off-line. We immediately highlighted this issue to the Chief Justice of Malaysia and at the same time, suggested the implementation of the manual filing when the e-filing system goes off-line. The Chief Justice approved of the suggestion. Notwithstanding the approval, our task did not end there. We together with the members of the Bar kept watch on the manual back-up system. When the Court failed to initiate the manual filing when the e-filing went offline, we immediately notified the Chief Justice. The Palace Of Justice was swift in their reaction and the backup system was put back in place.

Another issue which required our attention was the implementation of the Rules of Court 2012. In the middle of the year 2012, the Rules of the Subordinate Courts 1980 and the Rules of the High Court 1980 were repealed. Rules of Court 2012 came into force on 1st August 2012. Panic stations and alarm bells were on the rise towards 1st August 2012 amongst lawyers and the judicial officers alike.

Questions were raised amongst Selangor lawyers on how the new rules would affect their existing practice and on whether the judicial officers are equally aware of the full extent, exact nature and ramifications of the new rules.

We wanted to ensure that Selangor Bar Members are not caught out with the new rules and to ensure that Selangor lawyers are aware of the extent and nature of these new rules.

With the endorsement and approval of the Committee, this Sub-Committee joined forces with the Continuing Legal Education Sub-Committee to take the bold step of perusing, dissecting and analyzing the entire Rules of Court.

It is the coming of minds and the joint efforts that led to a number of seminars conducted during the month of July 2012 for Selangor Bar members without any charge on the new Rules. The response by Selangor lawyers was equally good. Detailed write ups were given to Selangor lawyers who attended the seminars.

We also posted the write-ups on the new rules in the Selangor Bar website for the benefit of all lawyers and for lawyers who are unable to attend for the seminars as these new court rules affected the very core of our legal practice.

To further assist our Selangor lawyers, we requested law publishers to be present at our seminars and to leave their leaflets at the Selangor Bar premises for the purposes of allowing Selangor lawyers to purchase the new Rules.

For our lawyers to fully grasp the new law is one thing, it is also equally important for the judicial officers to be fully aware of the new Rules. After all in the legal arena it is a two way process namely for lawyers to submit on the new laws whilst the judicial officers will interpret the new laws. With that in mind, we gave a seminar to the Selangor judiciary on the new Rules on 26.7.2012.

Came 1st August 2012 onwards, we promptly addressed all issues raised by lawyers on the implementation of the new Rules, its transition and the filing fee structure with the relevant judicial authority.

Next, meetings were held with the Civil Courts on various issues, *inter alia*, on Notes of Evidence, Urgent cases and increase of judges.

We highlighted to the judiciary that Notes of Evidence for Appeals after full trial at the Subordinate Court are often not forthcoming. This is affecting the Appeals at the High Court. The Managing Judge of the Subordinate Courts of Selangor had assured us that this matter should not occur and if there is any lawyer who is facing this problem, we or the lawyer concerned can write directly to the said Managing Judge and he will deal with it.

Next on urgent matters. We proposed to the Managing Judge of the Selangor Civil High Courts for a dedicated Registrar to be present at the Court Counter at all times to attend for urgent matters. This is to ensure that cause papers with a certificate of urgency can be quickly brought



before a High Court Judge and dealt with promptly rather than for the lawyer to be kept waiting for the whole day at the Registry.

Having said that, we also requested for more High Court judges for the Selangor Courts and the Selangor Courts did receive additional High Court Judges for civil cases. Notwithstanding the above, we are still asking for more High Court Judges for the Selangor Courts on grounds that if there are more judges, then the judges will not be bogged down with too many cases. The cases would be evenly spread. Consequently judges have more time to hear submissions from lawyers and in turn lawyers will have the opportunity to canvass all their legal arguments.

As seen above, even though we raised issues with the Judiciary, our work does not stop. It is an on-going process and we will continue to work for the Selangor lawyers to protect their rights & integrity.

With that I thank the Chairman Mr. Kanarasan, the Committee Members, my Sub-Committee Members and all Selangor Bar members for their support and encouragement. I am indeed indebted to all of them.

Report submitted by:

Vishnu Kumar
Chairperson,
Civil Law Court Liaison Sub-Committee